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IN THE UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

NOMADIX, INC., Plaintiff, v. HEWLETT-PACKARD COMPANY et al., Defendants. AND RELATED COUNTERCLAIMS	Civil Action No. CV09-08441 DDP (VBKx) **AMENDED JOINT CLAIM CONSTRUCTION STATEMENT** Honorable Dean D. Pregerson

On December 3, 2010, the parties in *Nomadix, Inc. v. Hewlett-Packard Co. et al.*, No. CV09-08441 DDP (VBKx) (C.D. Cal.) ("*HP* case") and *Nomadix, Inc. v. SolutionInc Technologies Limited*, No. CV10-00381 DDP (VBKx) (C.D. Cal.) ("*SolutionInc* case") submitted a joint claim construction statement. *HP* case: Docket No. 214; *SolutionInc* case: Docket No. 16. At a December 6 status conference, the Court ordered the parties to identify a reduced set of disputed claim terms. *See HP* case: Docket No. 218; *SolutionInc* case: Docket No. 18. This Amended Joint Claim Construction Statement ("JCCS") sets forth that reduced set of disputed claim terms.

A. Asserted Patents

Plaintiff Nomadix, Inc. has asserted the following patents: U.S. Patent Nos. 6,130,892 ("the '892 patent"), 7,088,727 ("the '727 patent"), 7,554,995 ("the '995 patent"), 6,636,894 ("the '894 patent"), 7,194,554 ("the '554 patent"), 6,868,399 ("the '399 patent"), 6,789,110 ("the '110 patent"), 7,689,716 ("the '716 patent") and 6,857,009 ("the '009 patent").

Defendant iBAHN Corporation has asserted the following patents: U.S. Patent Nos. 6,934,754 ("the '754 patent"), 6,996,073 ("the '073 patent") and 7,580,376 ("the '376 patent").

B. Scope Of The Briefing

1. Agreed-Upon Terms

As set forth in the attached exhibits, the parties have agreed on the construction of several terms and respectfully request that the Court adopt the agreed-upon constructions. The parties do not intend to brief such terms unless the Court requests such briefing.

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2. Disputed Terms

To address the disputed terms, the parties will submit two separate sets of opening, opposing and reply briefs, one for the patents Nomadix has asserted and one for the patents iBAHN has asserted. The parties will adhere to the following schedule:

Nomadix Patents	iBAHN Patents	Deadline
Nomadix's opening brief	iBAHN's opening brief	March 4, 2011
Defendants' opposing brief	Nomadix's opposing brief	April 8, 2011
Nomadix's reply brief	iBAHN's reply brief	April 29, 2011

a. Patents asserted by Nomadix

The parties will brief the following disputed terms from the patents that Nomadix has asserted. The full text of the claims in which these terms are found is set forth in Exhibits 1–9.

Patents	Term	Nomadix's Construction	Defendants' Construction
'892, '727, '009	home network	network to which the user device is configured to be connected	network to which the user device is configured to be connected and which corresponds to the home internet [or IP] address
'892, '009	foreign network	a network other than the home network	network to which the user device is not normally connected and which corresponds to a local internet [or IP] address that is not the home internet [or IP] address

Patents	Term	Nomadix's Construction	Defendants' Construction
'995	the user host device is configured to communicate through a home gateway by using an IP address of the home gateway	No construction is necessary	user device is configured with a permanent IP address to communicate through a home gateway
'995	home gateway	No construction is necessary	gateway to which the user device is configured to be connected and which corresponds to the home internet [or IP] address
'995	[a] foreign gateway	a gateway not on a network of the home gateway	gateway to which the user device is not normally connected and which corresponds to a local internet [or IP] address that is not the home internet [or IP] address[1]
'727	first network	No construction is necessary	network to which the user device is not normally connected and which corresponds to a local internet [or IP] address that is not the home internet [or IP] address

[1] Defendant Wayport proposes the following alternate construction: "gateway that does not correspond to the permanent IP address for which the user host device is configured." See, e.g., RFC 3344 at http://www.ietf.org/rfc/rfc3344.txt.

Patents	Term	Nomadix's Construction	Defendants' Construction
'716	network location of the user host device	No construction is necessary. However, if the Court is inclined to construe the term, Nomadix proposes: a location at which the user host device is connected to the network	connection port through which the user host device configured with a permanent IP address of the home network accesses the network
'716	external network location	No construction is necessary. However, if the Court is inclined to construe the term, Nomadix proposes: a network location external to the network location of the user host device	location for a network to which the user device is not normally connected and which corresponds to a local internet or IP address that is not the home internet [or IP] address
'727	user device having an incompatible private IP address	user device configured with a private IP address not compatible with the network	User device configured with a permanent IP address from the home network
'727	incompatible private IP address	private IP address not compatible with the network	a unique IP addresses that can never match the unique private IP address of the user device
'727	incorrectly configured messages	No construction is necessary	messages addressed to an incorrect address.
'894	[the order of steps of all claims]	No construction is necessary	The steps of all the claims must be performed in the order listed

Patents	Term	Nomadix's Construction	Defendants' Construction
'894	administrator	No construction is necessary	a person who administers the gateway device
'554	determines the access rights of the source, wherein access rights define the rights of the source to access destination sites via the network	No construction is necessary	once the source is authenticated to access the network, determines the rights of the source to access particular destination sites via the network based upon the identity of the source and the content and/or destination requested
'554	determining the access rights of the source based upon the identification of the source, wherein the access rights define the rights of the source to access destination sites via the network	No construction is necessary	once the source is authenticated to access the network, determining the rights of the source to access particular destination sites via the network based upon the identity of the source and the content and/or destination requested
'554	regardless of network configurations	No construction is necessary. However, if the Court is inclined to construe the term, Nomadix proposes: regardless of network address settings	regardless of the hardware, MAC addresses, IP addresses, and networking protocols used by the network and the source computer

Patents	Term	Nomadix's Construction	Defendants' Construction
'399	management system	No construction is necessary	a management system that is separate from the network gateway device for managing a property's operations and connected to the network gateway device via a physical link
'399	absent additional agents implemented by the computer	Nomadix agrees with the Court's prior construction (for the corresponding term from Claim 6): absent additional special client software implemented by the computer for managing the communication between the computer and the gateway device	without the need to implement additional "agents" or to reconfigure the computer in any manner
'399	absent additional agents implemented by a user's computer	Nomadix agrees with the Court's prior construction: absent additional special client software implemented by the computer for managing the communication between the computer and the gateway device	without the need to implement additional "agents" or to reconfigure the user's computer in any manner

Patents	Term	Nomadix's Construction	Defendants' Construction
'399	call accounting record format	Nomadix agrees with the Court's prior construction: a format that can be used to organize data related to telephone calls	a format that can be used to organize data related to telephone calls that includes fields corresponding to charged amount and phone number called
'399	a call accounting record	Nomadix agrees with the Court's prior construction: a protocol that can be used to organize data related to telephone calls	a protocol that can be used to organize data related to telephone calls that includes fields corresponding to charged amount and phone number called
'399	predetermined protocol	No construction is necessary	a protocol that can be used to organize data related to telephone calls that includes fields corresponding to charged amount and phone number called
'399	predetermined data formats	No construction is necessary	a format that can be used to organize data related to telephone calls that includes fields corresponding to charged amount and phone number called
'399	physical location	No construction is necessary	communication port through which the user's computer accessed the network

Patents	Term	Nomadix's Construction	Defendants' Construction
'399	collecting data corresponding to the user's access to said computer network, including a physical location of the user and the user's network usage, in said network gateway device	No construction is necessary	monitoring and recording "data representative of the user's access to the computer network," including a "physical location" of the user and the "user's network usage", in said network gateway device
'009	single connection between the device and the computer	No construction is necessary	connection between the device and the computer that does not copy data between two sessions or use application buffering

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b. Patents asserted by iBAHN

The parties will brief the following disputed terms from the patents that iBAHN has asserted. The full text of the claims in which these terms are found is set forth in Exhibits 10–12.

Patents	Term	Nomadix's Construction	iBAHN's Construction
'754, '073, '376	network access node	a device that provides network access to a computer communicating directly with the device	No construction necessary. However, if the term requires any definition, it should be "a device, such as a local or remote server or headend, which provides [a computer within] a local or wide area network with access [to the Internet]"
'754	an Internet transaction	a requested transfer of an object on the Internet, such as a web page	No construction necessary. However, if the term requires any definition, it should be "a transaction over the Internet conducted by the first computer while connected to the first access node"
'754	associating a first one of the globally unique IP addresses with the first network address for conducting an Internet transaction	in order to conduct an Internet transaction, assigning to the first local IP address a first globally unique IP address from a pool of available addresses and removing it from the pool	assigning a first one of the globally unique IP addresses from the pool of such addresses with the first local IP address in order to conduct an Internet transaction

Patents	Term	Nomadix's Construction	iBAHN's Construction
'754	disassociating the first globally unique IP address from the first network address [upon termination of the Internet transaction]	returning the first globally unique IP address to the pool of available addresses so that it is no longer assigned to the first local IP address	No construction necessary. However, if the term requires any construction, it should be "Upon termination of the Internet transaction, reassigning the first one of the globally unique IP addresses to the pool of such addresses for use by any network address"
'073, '376	network having a plurality of users associated therewith	network having a plurality of users who have been granted access to the network	No construction necessary. However, if the term requires any construction, it should be "network with multiple users associated with the network"
'073, '376	conference	an assembly of persons at a common geographic location	No construction necessary. However, if the term requires any definition, it should be "a group of selected users"

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C. Overview Of The JCCS Exhibits[2]

The exhibits of the JCCS are structured as follows:

- Part A: Patents Asserted By Nomadix
  - Exhibit 1: The '892 Patent
  - Exhibit 2: The '727 Patent
  - Exhibit 3: The '995 Patent
  - Exhibit 4: The '894 Patent
  - Exhibit 5: The '554 Patent
  - Exhibit 6: The '399 Patent
  - Exhibit 7: The '110 Patent
  - Exhibit 8: The '716 Patent
  - Exhibit 9: The '009 Patent
- Part B: Patents Asserted By iBAHN
  - Exhibit 10: The '754 Patent
  - Exhibit 11: The '073 Patent
  - Exhibit 12: The '376 Patent

Each exhibit has the following structure:

- Terms whose constructions the parties agree on
- Terms whose constructions the parties dispute (in the full context of the claim language)
- Identification of evidence supporting proposed constructions of disputed terms

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[2] For each Defendant, its proposed constructions are for the terms in claims asserted against that Defendant. Each Defendant reserves the right to propose different constructions than those contained here should Nomadix assert additional claims against that Defendant.

D. Claim Construction Hearing And Tutorial

The Court has scheduled a technology tutorial for May 12, 2011 at 9:00 a.m., with Nomadix allocated up to 3 hours and the defendants also allocated 3 hours. *HP* case: Docket No. 218; *SolutionInc* case: Docket No. 18. In accordance with the Court's directives at the December 6, 2010 status conference, the parties will present the tutorial material through their attorneys only, and not through expert testimony. Tr. of Dec. 6, 2010 Hr'g at 21. Moreover, the parties shall be neutral in presenting the tutorial material and shall refrain from advocacy. *HP* case: Docket No. 218; *SolutionInc* case: Docket No. 18.

The Court has scheduled a claim construction hearing for May 19, 2011 at 9:00 a.m. *HP* case: Docket No. 218; *SolutionInc* case: Docket No. 18. The parties do not propose to call any witnesses at the claim construction hearing.

E. Preamble Terms

Notwithstanding their respective proposed constructions, the parties reserve all rights to argue that any preamble terms are not limiting.

Respectfully submitted,

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Dated: February 22, 2011

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EXHIBIT 1 – U.S. PATENT NO. 6,130,892

AGREED-UPON CONSTRUCTIONS

Claim	Term	Agreed-Upon Construction
1	user device configured to communicate with a home network	user device configured with a static IP address on the home network
1	intercepting packets	The parties agree with the Court's prior construction of "intercepting" and have included the intercepted object: receiving and processing packets targeted for another device
1	intercepting packets transmitted from the user device which would otherwise be dropped by devices on the foreign network	intercepting packets transmitted from the user device which, if not intercepted, would be dropped by devices on the foreign network See also agreed-upon construction of "intercepting packets."

EXHIBIT 1 – U.S. PATENT NO. 6,130,892

DISPUTED CONSTRUCTIONS

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
1. A method for allowing network communications over **a foreign network** for a user device configured to communicate with a **home network**, the method comprising:	home network	network to which the user device is configured to be connected[1]	network to which the user device is configured to be connected and which corresponds to the home internet [or IP] address[2]
	foreign network	a network other than the home network[3]	network to which the user device is not normally connected and which corresponds to a local internet [or IP] address that is not the home internet [or IP] address [4]
connecting the user device to the **foreign network**;	foreign network (See above)		
intercepting packets transmitted from the user device which would otherwise be dropped by devices on the **foreign network** to determine without requiring prior knowledge of network settings of the user device;	foreign network (See above)		

EXHIBIT 1 – U.S. PATENT NO. 6,130,892

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
using the determined network settings of the user device to determine whether to intercept subsequently transmitted packets; and			
automatically modifying packets transmitted from the user device based on the network settings of the user device and network settings of the **foreign network**.	foreign network (See above)		
5. The method of claim 1 wherein modifying packets transmitted from the user device comprises:			
replacing a source address with a router address where the router address is automatically determined based on the network settings of the **foreign network**.	foreign network (See Claim 1, above)		
8. The method of claim 5 further comprising:			
receiving data from the **foreign network** with the router address as a destination address; and	foreign network (See Claim 1, above)		

EXHIBIT 1 – U.S. PATENT NO. 6,130,892

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
replacing the destination address with a network address of the user device.			

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[1] **Evidence Supporting Nomadix's Proposed Construction for "home network"**

'892 patent: Claim 1; Abstract; Figs. 1-7A; 8-9B, 12-15; Col. 1:15-Col.4:6; Col. 4:13-24; Col. 4:32-65; Col. 5:6-Col.8:43; Col. 8:52-67; Col.9:1-3; Col.9:15-20; Col. 9: 31-34; Col. 9:60-61; Col. 10:22-25; Col. 10:29-37; Col. 10:50-52; Col. 11:2-Col. 11:24; Col. 11:43-Col.12:65; Col. 13:10-30; Col. 13:35-57; Col. 14:14-39; Col. 15:4-25; Col. 15:33-Col. 16:9; Col.16:30-57; Col. 16:63-17:1; Col. 17:11-13

'174 application: Claim 1 (p. 13); Abstract; Figs. 1-6; p. 1:7-p. 3:19; p. 3:25-p. 6:31; p. 7:6-23; p. 8:12-18; p. 9:3-p. 10:18; p. 10:25-p. 11:31; p. 12:15-30; p. 13; p. 14

NMDX0000499; NMDX0000501-503; NMDX0000543-564; NMDX0000599-619; NMDX0000632-645; NMDX0005198-5205; NMDX0005729-5743; NMDX0005754-5758; NMDX0005762-5763; NMDX0034726; U.S. Patent No. 6,858,613; U.S. Patent No. 6,434,627

[2] **Evidence Supporting Defendants' Proposed Construction for "home network"**

'892 patent: 6:15-20; 1:65-2:20

[3] **Evidence Supporting Nomadix's Proposed Construction for "foreign network"**

'892 patent: Claims 1, 4, 5, 8; Abstract; Figs. 1-7A; 8-9B, 12-15; Col. 1:15-Col.4:6; Col. 4:13-24; Col. 4:32-65; Col. 5:6-Col.8:43; Col. 8:52-67; Col.9:1-3; Col.9:15-20; Col. 9: 31-34; Col. 9:60-61; Col. 10:22-25; Col. 10:29-37; Col. 10:50-52; Col. 11:2-Col. 11:24;

EXHIBIT 1 – U.S. PATENT NO. 6,130,892

Col. 11:43-Col.12:65; Col. 13:10-30; Col. 13:35-57; Col. 14:14-39; Col. 15:4-25; Col. 15:33-Col. 16:9; Col.16:30-57; Col. 16:63-17:1; Col. 17:11-13

U.S. Patent Application No. 08/816,174 ("'174 application"): Claim 1 (p. 13); Abstract; Figs. 1-6; p. 1:7-p. 3:19; p. 3:25-p. 6:31; p. 7:6-23; p. 8:12-18; p. 9:3-p. 10:18; p. 10:25-p. 11:31; p. 12:15-30; p. 13; p. 14

NMDX0000499; NMDX0000501-503; NMDX0000543-564; NMDX0000599-619; NMDX0000632-645; NMDX0005198-5205; NMDX0005729-5743; NMDX0005754-5758; NMDX0005762-5763; U.S. Patent No. 6,858,613; U.S. Patent No. 6,434,627

[4] **Evidence Supporting Defendants' Proposed Construction for "foreign network"**

'892 patent: Figs. 12A-D; Abstract; Fig. 13; 4:3-25; 5:9-14; 11:3-21; 12:58-13:3; '892 prosecution history, Applicants' Arguments at 11-12 (February 29, 2000); '892 prosecution history, Applicants' Arguments at 12 (February 29, 2000).; 2:20-27; 6:15-20

EXHIBIT 2 – U.S. PATENT NO. 7,088,727

AGREED-UPON CONSTRUCTIONS

Claim	Term	Agreed-Upon Construction
11	intercepting data	The parties agree with the Court's prior construction of "intercepting" and have included the intercepted object: receiving and processing data targeted for another device
17, 20	intercepting an Address Resolution Protocol (ARP) message	The parties agree with the Court's prior construction of "intercepting" and have included the intercepted object: receiving and processing an Address Resolution Protocol (ARP) message targeted for another device
19	intercepting user device messages	The parties agree with the Court's prior construction of "intercepting" and have included the intercepted object: receiving and processing user device messages targeted for another device
19	user device having a permanent address	user device having a static IP address
19	automatically determining network settings of the first network based on addresses contained in messages transmitted over the first network	automatically determining network settings of the first network using addresses contained in messages transmitted over the first network
20	the user device is configured to communicate over a home network having network settings incompatible with the first network	the user device is configured with a static IP address on a home network having network settings not compatible with the first network

EXHIBIT 2 – U.S. PATENT NO. 7,088,727

DISPUTED CONSTRUCTIONS

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
11. A method for providing access to a network utilizing private IP addresses for a **user device having an incompatible private IP address**, the method comprising:	user device having an incompatible private IP address	user device configured with a private IP address not compatible with the network[1]	User device configured with a permanent IP address from the home network[2]
	incompatible private IP address	private IP address not compatible with the network [3]	a unique IP addresses that can never match the unique private IP address of the user device.[4]
intercepting data transmitted by the user device containing the **incompatible private IP address**;	incompatible private IP address See above		
modifying the data using a private IP address compatible with the network private IP addresses; and			
transmitting the modified data on the network.			

EXHIBIT 2 – U.S. PATENT NO. 7,088,727

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
19. A method for providing connectivity to a **first network** for a user device, the user device having a permanent address, the method comprising:	first network	No construction is necessary.[5]	network to which the user device is not normally connected and which corresponds to a local internet [or IP] address that is not the home internet [or IP] address[6]
automatically determining network settings of the first network based on addresses contained in messages transmitted over the **first network**;	first network (See above)		
intercepting user device messages transmitted over the **first network** without regard to message destination addresses, the user device messages having the permanent address of the user device as a source address; and	first network (See above)		

EXHIBIT 2 – U.S. PATENT NO. 7,088,727

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
modifying **incorrectly configured messages** transmitted by the user device based on the network settings of the first network, wherein modifying **incorrectly configured messages** transmitted by the user device includes substituting the permanent address of these messages with a router address as the source address, wherein the router address is an address recognized by the first network.	incorrectly configured messages	No construction is necessary.[7]	messages addressed to an incorrect address.[8]
20. The method of claim 19 wherein the user device is configured to communicate over a **home network** having network settings incompatible with the first network, the method further comprising:	home network (See '892 patent, Claim 1, above)		

EXHIBIT 2 – U.S. PATENT NO. 7,088,727

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
automatically determining network settings of the user device by intercepting an Address Resolution Protocol (ARP) message transmitted by the user device having a destination address of a device on the home network and replying to the ARP message by associating a Media Access Control (MAC) address of a device on the **first network** with the destination address of the device on the home network.	first network (See Claim 19, above)		

[1] **Evidence Supporting Nomadix's Proposed Construction for "user device having an incompatible private IP address"**

'727 patent: Claims 1, 2, 5, 6, 8-14, 16-20; Abstract; Figs. 1-9B, 12A-15; Col. 1:19-Col. 3:9; Col. 3:16-Col. 4:33; Col. 4:40-Col. 5:3; Col. 5:12-Col. 8:4; Col. 8:13-44; Col. 9:13-20; Col. 10:17-28; Col. 10:65-Col. 11:36; Col. 11:46-Col. 14:57; Col. 15:17-44; Col. 15:59-Col. 16:9; Col. 16:41-Col. 17:16

'892 patent: Abstract; Figs. 1-9B, 12A-15; Col. 1:16-Col. 3:4; Col.3:9-Col. 4:24; Col. 4:33-65; Col. 5:6-Col. 8:3; Col. 8:13-43; Col. 10:22-33; Col. 11:3-31; Col. 11:43-Col. 14:39; Col. 15:4-32; Col. 15:45-64; Col. 16:30-Col. 17:6

'174 application: Claim 1 (p. 13); Abstract; Figs. 1-6; p. 1:7-p. 2:31; p. 3:6-19; p. 3:26-5:30; p. 6:4-31; p. 9:28-10:25; p. 11:2-20; p. 12:16-27

NMDX0012534-12538; NMDX0012661-12668; NMDX0013551-13563

EXHIBIT 2 – U.S. PATENT NO. 7,088,727

Webster's Third New International Dictionary at 1144 (2002): definition for "incompatible"

U.S. Patent No. 7,065,047: Col. 1:10-15; Fig. 1; Col. 3:11-4:50

U.S. Patent No. 6,858,613: Fig. 1A-1B, Fig. 7; Col. 1:16-6:32; Col. 13:12-14:31

U.S. Patent No. 6,434,627: Fig. 1A-1B, Fig. 7; Col. 1:6-6:21; Col. 12:66-14:16

[2] **Evidence Supporting Defendants' Proposed Construction for "user device having an incompatible private IP address"**

'727 patent: 2:15-18; ; 2:57-3:3;; 6:7-16; '727 Pros. Hist. 6/7/2004 Amdt., p. 16; '727 Pros. Hist. 3/9/2006 Amdt., pp. 15-16; '727 Pros. Hist. 3/9/2006 Amdt., pp. 18-19; '892 Pros. Hist. 2/29/2000 Amdt., pp. 11-12; Definition of "IP address," Random House Webster's *Computer & Internet Dictionary*, at 288 (3d ed. 1999) ("An identifier for a computer or device on a TCP/IP network."); Definition of "IP spoofing," Random House Webster's *Computer & Internet Dictionary*, at 288 (3d ed. 1999) ("A technique used to gain unauthorized access to computers whereby the intruder sends messages to a computer with an IP address indicating that the message is coming from a trusted port. To engage in IP spoofing, a hacker must first use a variety of techniques to find an IP address of a trusted port and then modify the packet headers so that it appears that the packets are coming from the port."); Definition of "static IP address," *Wiley Electrical and Electronics Engineering Dictionary*, at 746 (2004) ("Abbreviation of static Internet-Protocol address. An IP address which is the same each time a user logs onto a TCP/IP network. Also, such an address corresponding to a server. This contrasts with a dynamic IP address, in which a different IP address is assigned each time a user logs on. Also, called fixed IP address.")

[3] **Evidence Supporting Nomadix's Proposed Construction for "incompatible private IP address"**

'727 patent: Claims 1, 2, 5, 6, 8-14, 16-20; Abstract; Figs. 1-9B, 12A-15; Col. 1:19-Col. 3:9; Col. 3:16-Col. 4:33; Col. 4:40-Col. 5:3; Col. 5:12-Col. 8:4; Col. 8:13-44; Col. 9:13-20; Col. 10:17-28; Col. 10:65-Col. 11:36; Col. 11:46-Col. 14:57; Col. 15:17-44; Col. 15:59-Col. 16:9; Col. 16:41-Col. 17:16

'892 patent: Abstract; Figs. 1-9B, 12A-15; Col. 1:16-Col. 3:4; Col.3:9-Col. 4:24; Col. 4:33-65; Col. 5:6-Col. 8:3; Col. 8:13-43; Col. 10:22-33; Col. 11:3-31; Col. 11:43-Col. 14:39; Col. 15:4-32; Col. 15:45-64; Col. 16:30-Col. 17:6

EXHIBIT 2 – U.S. PATENT NO. 7,088,727

'174 application: Claim 1 (p. 13); Abstract; Figs. 1-6; p. 1:7-p. 2:31; p. 3:6-19; p. 3:26-5:30; p. 6:4-31; p. 9:28-10:25; p. 11:2-20; p. 12:16-27

NMDX0012534-12538; NMDX0012661-12668; NMDX0013551-13563

Webster's Third New International Dictionary at 1144 (2002): definition for "incompatible"

U.S. Patent No. 7,065,047: Col. 1:10-15; Fig. 1; Col. 3:11-4:50

U.S. Patent No. 6,858,613: Fig. 1A-1B, Fig. 7; Col. 1:16-6:32; Col. 13:12-14:31

U.S. Patent No. 6,434,627: Fig. 1A-1B, Fig. 7; Col. 1:6-6:21; Col. 12:66-14:16

[4] **Evidence Supporting Defendants' Proposed Construction for "incompatible private IP address"**

'727 patent: 2:15-18; 2:57-3:3; 6:7-16; '727 Pros. Hist. 6/7/2004 Amdt., p. 16; '727 Pros. Hist. 3/9/2006 Amdt., pp. 15-16; '727 Pros. Hist. 3/9/2006 Amdt., pp. 18-19; '892 Pros. Hist. 2/29/2000 Amdt., pp. 11-12.

[5] **Evidence Supporting Nomadix's Proposed Construction for "first network"**

'727 patent: Claims 19, 20; Abstract; Figs. 1-15; Col. 1:19-Col. 2:49; Col. 2:57-Col. 3:9; Col. 3:16-Col. 8:4; Col. 8:13-44; Col. 9:1-4; Col. 9:15-20; Col. 9:22-25; Col. 10:17-58; Col. 10:65-Col. 11:36; Col. 11:46-Col. 14:57; Col. 15:17-44; Col. 15:59-Col. 16:9; Col. 16:41-Col. 17:16

'892 patent: Abstract; Figs. 1-15; Col. 1:16-Col. 2:40; Col. 2:52-Col. 3:4; Col. 3:11-Col. 8:43; Col. 9:1-4; Col. 9:15-20; col. 9:22-25; Col. 10:22-63; Col. 11:3-30; Col. 11:42-Col. 14:39; Col. 15:15-32; Col. 15:45-65; Col. 16:30-Col. 17:6

'174 application: Claim 1 (p. 13); Abstract; Figs. 1, 2, 4, 6; p. 1:7-p. 2:2; p. 2:14-31; p. 3:6-6:31; p. 7:20-24; p. 10:8-25; p. 11:2-20; p. 12:16-27

NMDX0012534-12538; NMDX0012661-12668; NMDX0013551-13563

[6] **Evidence Supporting Defendants' Proposed Construction for "first network"**

'727 patent: Abstract; 2:20-27; 4:11-33; 5:15-19; 6:17-21; 10:65-11:17; 12:58-13:3; Figs. 12A-E; Fig. 13; '727 Pros. Hist. 6/7/2004 Amdt., pp. 12-13; '727 Pros. Hist. 3/9/2006 Amdt., pp. 19-21; '892 Pros. Hist., 2/29/2000 Applicants' Arguments, pp. 11-12; '892 Pros. Hist., 2/29/ 2000 Applicants' Arguments, p. 12; RFC 1027, ARP and Transparent Subnet Gateways, October 1987, Section 2.1

[7] **Evidence Supporting Nomadix's Proposed Construction for "incorrectly configured messages"**

'727 patent: Claim 19; Abstract; Figs. 1-15; Col. 1:19-Col. 2:49; Col. 2:57-Col. 3:9; Col. 3:16-Col. 8:4; Col. 8:13-44; Col. 9:1-4; Col. 9:15-20; Col. 9:22-25; Col. 10:17-58; Col. 10:65-Col. 11:36; Col. 11:46-Col. 14:57; Col. 15:17-44; Col. 15:59-Col. 16:9; Col. 16:41-Col. 17:16

'892 patent: Abstract; Figs. 1-15; Col. 1:16-Col. 2:40; Col. 2:52-Col. 3:4; Col. 3:11-Col. 8:43; Col. 9:1-4; Col. 9:15-20; col. 9:22-25; Col. 10:22-63; Col. 11:3-30; Col. 11:42-Col. 14:39; Col. 15:15-32; Col. 15:45-65; Col. 16:30-Col. 17:6

'174 application: Claim 1 (p. 13); Abstract; Figs. 1, 2, 4, 6; p. 1:7-p. 2:2; p. 2:14-31; p. 3:6-6:31; p. 7:20-24; p. 10:8-25; p. 11:2-20; p. 12:16-27

NMDX0012534-12538; NMDX0012661-12668; NMDX0013551-13563

[8] **Evidence Supporting Defendants' Proposed Construction for "incorrectly configured messages"**

'727 patent: 1:50-55; 2:5-12; 10:17-22 '727 Pros. Hist. 3/9/2006 Amdt., pp. 19-21; *see also* '727 Pros. Hist. 3/9/2006 Amdt., pp. 13-14.

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

DISPUTED CONSTRUCTIONS

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
1. A method of establishing a communications path for a user host device through **a foreign gateway**, wherein **the user host device is configured to communicate through a home gateway by using an IP address of the home gateway**, and wherein the foreign gateway has an IP address different from the **home gateway**, the method comprising the steps of:	[a] foreign gateway	a gateway not on a network of the home gateway[1]	gateway to which the user device is not normally connected and which corresponds to a local internet [or IP] address that is not the home internet [or IP] address[a] [2]
	the user host device is configured to communicate through a home gateway by using an IP address of the home gateway	No construction is necessary.[3]	user device is configured with a permanent IP address to communicate through a home gateway[4]
	home gateway	No construction is necessary. [5]	gateway to which the user device is configured to be connected and which corresponds to the home internet [or IP] address[6]

[a] Defendant Wayport proposes the following alternate construction: "gateway that does not correspond to the permanent IP address for which the user host device is configured." *See, e.g.*, RFC 3344 at http://www.ietf.org/rfc/rfc3344.txt.

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
receiving at the foreign gateway an ARP request packet transmitted from the user host device over the communications path, wherein the ARP request packet includes at least a sender IP address that corresponds to an IP address of the user host device, a sender hardware address that correspond to a hardware address of the user host device, and a target IP address that corresponds to the IP address of the **home gateway**;	home gateway See above		

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
responding by the foreign gateway to the ARP request packet by transmitting over the communications path an ARP response packet that includes at least a sender IP address that corresponds to the IP address of the **home gateway**, a sender hardware address that corresponds to a hardware address of the foreign gateway, a target IP address that corresponds to the IP address of the user host device, and a target hardware address that corresponds to the hardware address of the user host device; and	home gateway See above		
17. A method of establishing a communications path between a user host device and **a foreign gateway**, wherein **the user host device is configured to communicate**	[a] foreign gateway See Claim 1, above		
	home gateway See Claim 1, above		

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
through a home gateway by using an IP address of the home gateway, and wherein the foreign gateway has an IP address different from the **home gateway**, the method comprising the steps of:	the user host device is configured to communicate through a home gateway by using an IP address of the home gateway See Claim 1, above		
receiving an ARP request packet transmitted from the user host device over the communications path, wherein the ARP request packet includes at least a sender IP address that corresponds to an IP address of the user host device, a sender hardware address that correspond to a hardware address of the user host device, a target IP address that corresponds to the IP address of the **home gateway**;	home gateway See Claim 1, above		

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
responding to the ARP request packet by transmitting over the communications path an ARP response packet that includes at least a sender IP address that corresponds to the IP address of the **home gateway**, a sender hardware address that corresponds to a hardware address of the foreign gateway, a target IP address that corresponds to the IP address of the user host device, and a target hardware address that corresponds to the hardware address of the user host device; and	home gateway See Claim 1, above		
receiving at the foreign gateway a network packet transmitted from the user host device, wherein the network packet comprises at least a target IP address that corresponds to the IP address of the **home gateway** and a target hardware address that corresponds to the hardware address of the foreign gateway.	home gateway See Claim 1, above		

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
24. A system that establishes a communications path for a user host device through **a foreign gateway**, wherein **the user host device is configured to communicate through a home gateway by using an IP address of the home gateway**, and wherein the foreign gateway has an IP address different from the **home gateway**, the system comprising:	[a] foreign gateway See Claim 1, above		
	home gateway See Claim 1, above		
	the user host device is configured to communicate through a home gateway by using an IP address of the home gateway See Claim 1, above		
a foreign gateway configured to receive communications from the user host device, such	[a] foreign gateway See Claim 1, above		

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
that the foreign gateway receives an ARP request packet transmitted from the user host device over the communications path, wherein the ARP request packet includes at least a sender IP address that corresponds to an IP address of the user host device, a sender hardware address that correspond to a hardware address of the user host device, and a target IP address that corresponds to the IP address of the **home gateway**;	home gateway See Claim 1, above		

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
the foreign gateway further configured to respond to the ARP request packet by transmitting over the communications path an ARP response packet that includes at least a sender IP address that corresponds to the IP address of the **home gateway**, a sender hardware address that corresponds to a hardware address of the foreign gateway, a target IP address that corresponds to the IP address of the user host device, and a target hardware address that corresponds to the hardware address of the user host device; and	home gateway See Claim 1, above		
the foreign gateway further configured to receive a network packet transmitted from the user host device, wherein the network packet comprises at least a target IP address that is different from the IP address of the **home gateway** and a target hardware address that corresponds to the hardware address of the foreign gateway.	home gateway See Claim 1, above		

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
40. A system that establishes a communications path between a user host device and **a foreign gateway**, wherein **the user host device is configured to communicate through a home gateway by using an IP address of the home gateway**, and wherein the foreign gateway has an IP address different from the **home gateway**, the system comprising:	[a] foreign gateway See Claim 1, above		
	home gateway See Claim 1, above		
	the user host device is configured to communicate through a home gateway by using an IP address of the home gateway See Claim 1, above		

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
a foreign gateway configured to receive communications from the user host device, such that the foreign gateway receives an ARP request packet transmitted from the user host device over the communications path, wherein the ARP request packet includes at least a sender IP address that corresponds to an IP address of the user host device, a sender hardware address that correspond to a hardware address of the user host device, and a target IP address that corresponds to the IP address of the **home gateway**;	home gateway See Claim 1, above		

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
the foreign gateway further configured to respond to the ARP request packet by transmitting over the communications path an ARP response packet that includes at least a sender IP address that corresponds to the IP address of the **home gateway**, a sender hardware address that corresponds to a hardware address of the foreign gateway, a target IP address that corresponds to the IP address of the user host device, and a target hardware address that corresponds to the hardware address of the user host device; and	home gateway See Claim 1, above		
the foreign gateway further configured to receive a network packet transmitted from the user host device, wherein the network packet comprises at least a target IP address that corresponds to the IP address of the **home gateway** and a target hardware address that corresponds to the hardware address of the foreign gateway.	home gateway See Claim 1, above		

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

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[1] **Evidence Supporting Nomadix's Proposed Construction for "a foreign gateway"**

'995 patent: Claims 1, 7, 9, 10, 14, 15, 17, 19-21, 24, 30, 32, 33, 36-40, 42-44, 46; Abstract; Figs. 2, 4, 6-15; Col. 2:60-Col. 3:3; Col. 4:22-33; Col. 6:5-19; Col. 7:4-12; Col. 8:12-25; Col. 11:30-39; Col. 11:59-Col. 12:6; Col. 12:25-33; Col. 12:44-50; Col. 12:56-67; Col. 14:12-17

'892 patent: Claims 1, 4, 5, 8; Abstract; Figs. 1-7A; 8-9B, 12-15; Col. 1:15-Col.4:6; Col. 4:13-24; Col. 4:32-65; Col. 5:6-Col.8:43; Col. 8:52-67; Col.9:1-3; Col.9:15-20; Col. 9: 31-34; Col. 9:60-61; Col. 10:22-25; Col. 10:29-37; Col. 10:50-52; Col. 11:2-Col. 11:24; Col. 11:43-Col.12:65; Col. 13:10-30; Col. 13:35-57; Col. 14:14-39; Col. 15:4-25; Col. 15:33-Col. 16:9; Col.16:30-57; Col. 16:63-17:1; Col. 17:11-13

U.S. Patent Application No. 08/816,174 ("'174 application"): Claim 1 (p. 13); Abstract; Figs. 1-6; p. 1:7-p. 3:19; p. 3:25-p. 6:31; p. 7:6-23; p. 8:12-18; p. 9:3-p. 10:18; p. 10:25-p. 11:31; p. 12:15-30; p. 13; p. 14

NMDX0000499; NMDX0000501-503; NMDX0000543-564; NMDX0000599-619; NMDX0000632-645; NMDX0005198-5205; NMDX0005729-5743; NMDX0005754-5758; NMDX0005762-5763; NMDX0034726

[2] **Evidence Supporting Defendants' Proposed Construction for "foreign gateway"**

'995 patent: Figs. 12A-12E; 6:16-20.

[3] **Evidence Supporting Nomadix's Proposed Construction for "the user host device is configured to communicate through a home gateway by using an IP address of the home gateway"**

'995 patent: Claims 1-3, 6, 7, 9-17, 19-26, 29, 30, 32-40, 42-48, 52, 53, 55; Title; Abstract; Figs. 1-15; Col. 1:25-Col. 2:17; Col. 2:10-31; Col. 2:42-Col. 4:33; Col. 4:42-45; Col. 4:49-Col. 5:9; Col. 5:13-Col. 8:26; Col. 8:35-Col. 9:45; Col. 9:54-63; Col. 10:9-Col. 12:37; Col. 12:38-67; Col. 13:5-Col. 14:35; Col. 14:42-Col. 15:8; Col. 15:18-Col. 16:32; Col. 16:34-44; Col. 16:65-Col. 17:54

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

'727 patent: Claims 19, 20; Abstract; Figs. 1-15; Col. 1:19-Col. 8:44; Col. 9:1-4; Col. 9:15-20; Col. 9:22-25; Col. 10:17-58; Col. 10:65-Col. 11:37; Col. 11:46-Col. 14:57; Col. 15:17-44; Col. 15:59-Col. 16:9; Col. 16:41-Col. 17:16

'892 patent: Claim 1; Abstract; Figs. 1-7A; 8-9B, 12-15; Col. 1:15-Col.4:6; Col. 4:13-24; Col. 4:32-65; Col. 5:6-Col.8:43; Col. 8:52-67; Col.9:1-3; Col.9:15-20; Col. 9: 31-34; Col. 9:60-61; Col. 10:22-25; Col. 10:29-37; Col. 10:50-52; Col. 11:2-Col. 11:24; Col. 11:43-Col.12:65; Col.

[4] **Evidence Supporting Defendants' Proposed Construction for "the user host device is configured to communicate through a home gateway by using an IP address of the home gateway"**

'995 patent: 2:18-31; 2:60-3:3; 3:4-12; 6:5-15; 6:16-20; 7:4-12; 7:43-48; 8:14-19; 17:13-19; RFC 1027, ARP and Transparent Subnet Gateways, October 1987, Section 2.1; *Nomadix Inc. v. Second Rule LLC*, Case No. CV 07-01946 DDP, Plaintiff's Opening Claim Construction Brief, Docket No. 72 (August 4, 2008, 2008) at 31-32; '892 Prosecution History, Applicants' Amendment at 11-12 (February 29, 2000).

[5] **Evidence Supporting Nomadix's Proposed Construction for "home gateway"**

'995 patent: Claims 1-3, 6, 7, 9-17, 19-26, 29, 30, 32-40, 42-48, 52, 53, 55; Title; Abstract; Figs. 1-15; Col. 1:25-Col. 2:17; Col. 2:10-31; Col. 2:42-Col. 4:33; Col. 4:42-45; Col. 4:49-Col. 5:9; Col. 5:13-Col. 8:26; Col. 8:35-Col. 9:45; Col. 9:54-63; Col. 10:9-Col. 12:37; Col. 12:38-67; Col. 13:5-Col. 14:35; Col. 14:42-Col. 15:8; Col. 15:18-Col. 16:32; Col. 16:34-44; Col. 16:65-Col. 17:54

'727 patent: Claims 19, 20; Abstract; Figs. 1-15; Col. 1:19-Col. 8:44; Col. 9:1-4; Col. 9:15-20; Col. 9:22-25; Col. 10:17-58; Col. 10:65-Col. 11:37; Col. 11:46-Col. 14:57; Col. 15:17-44; Col. 15:59-Col. 16:9; Col. 16:41-Col. 17:16

'892 patent: Claim 1; Abstract; Figs. 1-7A; 8-9B, 12-15; Col. 1:15-Col.4:6; Col. 4:13-24; Col. 4:32-65; Col. 5:6-Col.8:43; Col. 8:52-67; Col.9:1-3; Col.9:15-20; Col. 9: 31-34; Col. 9:60-61; Col. 10:22-25; Col. 10:29-37; Col. 10:50-52; Col. 11:2-Col. 11:24; Col. 11:43-Col.12:65; Col. 13:10-30; Col. 13:35-57; Col. 14:14-39; Col. 15:4-25; Col. 15:33-Col. 16:9; Col.16:30-57; Col. 16:63-17:1; Col. 17:11-13

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

'174 application: Claim 1 (p. 13); Abstract; Figs. 1-6; p. 1:7-p. 3:19; p. 3:25-p. 6:31; p. 7:6-23; p. 8:12-18; p. 9:3-p. 10:18; p. 10:25-p. 11:31; p. 12:15-30; p. 13; p. 14

NMDX0000499; NMDX0000501-503; NMDX0000543-564; NMDX0000599-619; NMDX0000632-645; NMDX0005198-5205; NMDX0005729-5743; NMDX0005754-5758; NMDX0005762-5763; NMDX0012534-12538; NMDX0012661-12668; NMDX0013551-13563; NMDX0034726

U.S. Patent No. 6,858,613: Fig. 1A-1B, Fig. 7; Col. 1:16-6:32; Col. 13:12-14:31

U.S. Patent No. 6,434,627: Fig. 1A-1B, Fig. 7; Col. 1:6-6:21; Col. 12:66-14:16

[6] **Evidence Supporting Defendants' Proposed Construction for "home gateway"**

'995 patent: 6:16-20; 2:10-17; 12:17-33; 14:12-17; 17:23-32; *Nomadix Inc. v. Second Rule LLC*, Case No. CV 07-01946 DDP, Plaintiff's Opening Claim Construction Brief, Docket No. 72 (August 4, 2008, 2008) at 31-32.

EXHIBIT 4 – U.S. PATENT NO. 6,636,894

AGREED-UPON CONSTRUCTIONS

Claim	Term	Agreed-Upon Construction
1, 5, 6, 8	destination address	The parties have agreed on the Court's prior construction: a specific network location, such as an internet address, email account, FTP address, or other address accessible via an online service
1	all original destination address access requests originating from a computer	The parties have agreed on the Court's prior construction: all access requests for an original destination address originating from a computer
6	the original destination address requests from the computer	The parties have agreed on the Court's prior construction: all access requests for an original destination address from the computer
1	storing	The parties have agreed on the Court's prior construction: recording data into a data storage device
6	stores	The parties have agreed on the Court's prior construction: records data into a data storage device
1, 6-8	stored	The parties have agreed on the Court's prior construction except that the first instance of "data" is removed: recorded on a data storage device
1, 5, 6	browser redirect message	The parties have agreed on the Court's prior construction: a message instructing a computer receiving the message to redirect its browser

EXHIBIT 4 – U.S. PATENT NO. 6,636,894

Claim	Term	Agreed-Upon Construction
1	intercepting, at the gateway device, the browser redirect message	The parties agree with the Court's prior construction of "intercepting" and have included the intercepted object: at the gateway device, receiving and processing the browser redirect message targeted for another device
6	intercepts the browser redirect message	The parties agree to a construction corresponding to the Court's prior construction of "intercepting" and have included the intercepted object: receives and processes the browser redirect message targeted for another device

EXHIBIT 4 – U.S. PATENT NO. 6,636,894

DISPUTED CONSTRUCTIONS

Claims	Terms	Nomadix's Proposed Construction	Defendants' Proposed Construction
1. A method for redirecting an original destination address access request to a redirected destination address, the method comprising the steps of:	[The order of steps of all claims]	No construction is necessary.[1]	The steps of all the claims must be performed in the order listed[2]
receiving, at a gateway device, all original destination address access requests originating from a computer;			
determining, at the gateway device, which of the original destination address requests require redirection; storing the original destination address if redirection is required;			
modifying, at the gateway device, the original destination address access request and communicating the modified request to a redirection server if redirection is required;			

EXHIBIT 4 – U.S. PATENT NO. 6,636,894

Claims	Terms	Nomadix's Proposed Construction	Defendants' Proposed Construction
responding, at the redirection server, to the modified request with a browser redirect message that reassigns the modified request to an **administrator**-specified, redirected destination address;	administrator	No construction is necessary.[3]	a person who administers the gateway device[4]
intercepting, at the gateway device, the browser redirect message and modifying it with the stored original destination address; and			
sending the modified browser redirect message to the computer, which automatically redirects the computer to the redirected destination address.			

EXHIBIT 4 – U.S. PATENT NO. 6,636,894

Claims	Terms	Nomadix's Proposed Construction	Defendants' Proposed Construction
5. The method of claim 1, wherein the step of responding, at the redirection server, to the modified request with a browser redirect message that reassigns the modified request to an **administrator**-specified, redirected destination address further comprises responding, at the redirection server, to the modified request with a browser redirect message that reassigns the modified request to a redirected destination address associated with a login page.	administrator See Claim 1, above		
6. A system for redirecting an original destination address access request to a redirected destination address, the system comprising:			
a computer that initiates original destination address requests;			

EXHIBIT 4 – U.S. PATENT NO. 6,636,894

Claims	Terms	Nomadix's Proposed Construction	Defendants' Proposed Construction
a gateway device in communication with the computer, that receives the original destination address requests from the computer, determines if redirection of any of the original destination address requests is required, stores the original destination address request if redirection is required and modifies the original destination address request if redirection is required, and			
a redirection server in communication with the gateway device that receives the modified request from the gateway device and responds with a browser redirect message that reassigns the request to an **administrator**-specified, redirect destination address,	administrator See Claim 1, above		
wherein the gateway device			

EXHIBIT 4 – U.S. PATENT NO. 6,636,894

Claims	Terms	Nomadix's Proposed Construction	Defendants' Proposed Construction
intercepts the browser redirect message and modifies the response with the stored original destination address before forwarding the browser redirect message to the computer and wherein the computer receives the modified browser redirect message and the computer is automatically redirected to the redirect destination address.			

[1] **Evidence Supporting Nomadix's Proposed Construction for the order of steps of all claims:**

'894 Patent: Claim 1; Abstract; Fig. 1; Col. 1:14-17; Col. 1:66-Col. 2:61; Col. 3:27-38; Col. 3:42-45, 49-50, 58-59; Col. 3:60-Col. 4:20; Col. 4:22-57; Col. 4:66-5:35; Col. 5:58-62; Col. 6:9-50; Col. 7:10-53; Col. 8:20-23, 31-42; Col. 9:5-51, 54-61; Col. 10:6-8, 43-46; Col. 11:14-27, 47-51, 61-64; Col. 12:8-10, 40-52; Col. 13:3-34

'497 Application: pp. 1-6; Figs. 1, 2; Attachments A (pp. 10-15), B-F, H (p. 1:10-p. 10:9; p. 11:9-p. 29:24, Figs. 1-15)

'174 Application: p. 1:7-10; p. 1:26-p. 3:19; p. 3:26-p. 4:24; p. 5:5-p. 14:15; Figs. 1-6

'890 Application: p. 1:5-p. 3:6; p. 4:15-p. 5:17; p. 5:27-p. 10:31; p. 11:6-p. 12:12; p. 13:1-p. 15:11; Figs. 1-6; Attachment A

EXHIBIT 4 – U.S. PATENT NO. 6,636,894

'973 Application: p. 1:14-p. 2:21; p. 3:6-p. 5:14; p. 5:24-28; p. 6:5-p. 10:30; p. 11:16-p. 12:20; p. 13:3-33; p. 15:1-p. 17:27; Figs. 1, 2; Attachments A, B

'093 Application: p. 1:3-p. 2:21; p. 2:31-p. 8:15; p. 8:23-p. 9:24; p. 11:10-26; p. 16:6-12; p. 17:1-p. 18:31; Figs. 1-8; Attachment A

'139 Application: p. 1:3-p. 3:11; p. 5:15-p. 6:2; p. 7:5-19; p. 8:16-p. 11:4; p. 11:19-30; p. 17:10-22; p. 18:14-32; Figs. 1, 7; Attachment A

'182 Application: p. 1:5-p. 3:9; p. 4:14-p. 5:27; p. 6:13-p. 10:13; p. 10:26-p. 11:5; p. 13:23-p. 17:2; p. 18:3-p. 20:13; Figs. 1-5; Attachments A, B (Bandwidth Management Overview), C

'189 Application: p. 1:5-p. 3:8; p. 4:29-p. 6:9; p. 6:19-p. 12:15; p. 13:1-p. 14:1; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A, B

NMDX0008876-NMDX0008890; NMDX0007120-NMDX0007134

[2] **Evidence Supporting Defendants' Proposed Construction for the order of steps of all claims:**

Claims 1-4, 6; Fig. 1; 3:49-4:21; 7:10-24; 7:54-8:2; 8:31-9:4; 9:26-58; 12:48-13:33

[3] **Evidence Supporting Nomadix's Proposed Construction for "administrator"**

'894 patent: Claims 1, 5, and 6; Abstract; Fig. 1; Col. 1:14-17; Col. 2:45-Col. 3:38; Col. 3:42-Col. 4:58; Col. 4:66-5:49; Col. 5:58-62; Col. 7:25-Col. 9:51; Col. 10:20-39; Col. 10:62-11:5; Col. 11: 37-43; Col. 12:8-Col. 13:34

'497 application: pp. 1-6; Figs. 1, 2; Attachment A (pp. 10, 13, 15)

'890 application: p. 7:4-17; Figs. 1, 2; Attachment A (pp. 7, 8, 53, 95-106, 108, 113-115, 129, 132)

'973 application: Attachments A (p. 7), B (pp. 7, 8, 53, 95-106, 108, 113-115, 129, 132)

EXHIBIT 4 – U.S. PATENT NO. 6,636,894

'093 application: Attachment A (pp. 7, 8, 53, 95-106, 108, 113-115, 129, 132)

'139 application: p. 14:30-p. 15:14; Figs. 1, 7; Attachment A (pp. 7, 8, 53, 95-106, 108, 113-115, 129, 132)

'182 application: p. 5:18-22; p. 7:21-p. 8:18; p. 14:3-16; Figs. 1-3; Attachments A (p. 7), C (pp. 7, 8, 53, 95-106, 108, 113-115, 129, 132)

'189 application: p. 8:14-p. 9:4; p. 14:22-p. 15:9; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A (p. 7), B (pp. 7, 8, 53, 95-106, 108, 113-115, 129, 132)

NMDX0008876-NMDX0008890; NMDX0007120-NMDX0007134

[4] **Evidence Supporting Defendants' Proposed Construction for "administrator"**

'894 patent: 2:53-58; 3:27-34; 5:11-15; 8:25-28; 9:61-10:1; 10:27-36; 10:62-65; 11:36-43; 11:44-47; 894 patent, at 12:37-47; "network administrator n. The person in charge of operations on a computer network." Microsoft Press Computer User's Dictionary, 1998, at 242; "system administrator n. The person responsible for administering use of a multiuser computer system, communications system, or both." Microsoft Press Computer User's Dictionary, 1998, at 335.

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

AGREED-UPON CONSTRUCTIONS

Claim	Term	Agreed-Upon Construction
10, 17	packet translation learned during a self configuration	packet translation that does not require a user to input identification, reconfigure the source computer, or change the source computer's network settings
17	storing	The parties have agreed on the Court's prior construction of "storing" from the '894 patent: recording data into a data storage device
10	stores	The parties have agreed on the Court's prior construction of "stores" from the '894 patent: records data into a data storage device
10	stored	The parties have agreed on the Court's prior construction of "stored" from the '894 patent, except that the first instance of "data" is removed: recorded on a data storage device
10	an Authentication, Authorization and Accounting (AAA) server	a server that supports and provides the functions of authentication, authorization, and accounting

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DISPUTED CONSTRUCTIONS

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
10. A system for selectably controlling and customizing access, to a network, by a source, where the source is associated with a source computer, and wherein no configuration software need be installed on the source computer to access the network, comprising:			
a gateway device, wherein the gateway device receives a request from the source for access to the network and provides the source computer with access to the network **regardless of network configurations** via a packet translation learned during a self configuration;	regardless of network configurations	No construction is necessary. However, if the Court is inclined to construe the term, Nomadix proposes: regardless of network address settings [1]	regardless of the hardware, MAC addresses, IP addresses, and networking protocols used by the network and the source computer[2]

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Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
a source profile database in communication with the gateway device and located external to the gateway device, wherein the source profile database stores access information identifiable by an attribute associated with the source, and wherein the attribute is identified based upon a data packet transmitted from the source computer and received by the gateway device, and			
an Authentication, Authorization and Accounting (AAA) server in communication with the gateway device and source profile database, wherein the AAA server determines if the source is entitled to access the network based upon the access information stored within the source profile database, and wherein the AAA server **determines the access rights of the source, wherein access rights define the rights of the source to access destination sites via the network**.	determines the access rights of the source, wherein access rights define the rights of the source to access destination sites via the network	No construction is necessary. [3]	once the source is authenticated to access the network, determines the rights of the source to access particular destination sites via the network based upon the identity of the source and the content and/or destination requested[4]

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Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
17. A method for redirecting a source attempting to access a destination through a gateway device, wherein source is associated with a source computer, and wherein the gateway device enables the source to communicate with a network, comprising:			
receiving at the gateway device a request from the source to access the network **regardless of network configurations** via a packet translation learned during a self configuration and without requiring the source computer to include network software configured for the network;	regardless of network configurations (See Claim 1, above)		
identifying the source based upon an attribute associated with the source;			
accessing a source profile database located external to the gateway device, the source profile database storing access rights of the source;			

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Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
determining the access rights of the source based upon the identification of the source, wherein the access rights define the rights of the source to access destination sites via the network; and	determining the access rights of the source based upon the identification of the source, wherein the access rights define the rights of the source to access destination sites via the network	No construction is necessary. [5]	once the source is authenticated to access the network, determining the rights of the source to access particular destination sites via the network based upon the identity of the source and the content and/or destination requested[6]
directing the source to a redirection site when the source profile is not located within the source profile database.			

[1] **Evidence Supporting Nomadix's Proposed Construction for "regardless of network configurations"**

'554 Patent: Abstract, fig. 1, 2:50-55, 3:45-51, 4:25-31, 6:52-65, 7:60-65, 8:21-32, 10:9-28, 13:36-43

'892 Patent: Abstract, fig. 5, 13:15-14:38

'497 Application: Fig. 1 at NMDX0009127, p. 7:5-8 at NMDX0009177, p.19:17-p.20:1 at NMDX0009189-90, p.22:1-p.24:14 at NMDX0009192-NMDX0009194, p.29 at NMDX009199,

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

'554 File History: 2005-10-17 Applicant Arguments / Remarks Made in Amendment, p. 7, 2006-03-21 Applicant Argument / Remarks made in Amendment, p. 8-10

[2] **Evidence Supporting Defendants' Proposed Construction for "regardless of network configurations"**

'554 Patent, 6:53-7:5.

'554 Patent File History, Amendment dated Dec. 13, 2004, at 8-11; Amendment dated Feb. 11, 2005, at 8-10; Amendment dated Oct. 17, 2005, at 7-9; Amendment dated Mar. 20, 2006, at 8; Amendment dated Aug. 25, 2006, at 2-4.

U.S. Patent No. 6,130,892, 8:13-9:34, 11:41-4:38; Figs. 3, 9A.

[3] **Evidence Supporting Nomadix's Proposed Construction for "determines the access rights of the source, wherein access rights define the rights of the source to access destination sites via the network"**

'554 patent: Abstract, 3:9-5:26, 6:4-6:26, 8:10-8:32, 10:9-12:59, 14:5-19; 1:54-2:14, 2:36-3:64, 4:25-5:37, 6:4-26, 6:52-9:26, 10:9-51, 12:19-36, 12:60-13:14.

'554 Patent – Abstract, 3:9-5:26, 6:4-6:26, 8:10-8:32, 10:9-12:59, 14:5-19

'894 Patent – 3:60-4:58, 8:31-9:4, 11:65-13:44

'182 Application – p. 6:13-p. 7:20

'890 Application – p. 5:27-p. 6-16,

'139 Application – p. 6:13-24, p. 8:6-26, p. 11:31-p. 12:29, p. 15:25-p. 16:2,

'189 Application – p. 7:12-25, p. 13:1-22,

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'973 Application – p. 6:13-25

'093 Application – Abstract, p. 4:27-31, p. 6:10-30,

'181 Application – p. 5:21-28, p. 7:24-p. 8:13, p. 11:22-p. 12:8,

'554 Patent – Abstract, 1:54-2:14, 2:36-3:64, 4:25-5:37, 6:4-26, 6:52-9:26, 10:9-51, 12:19-36, 12:60-13:14.

'894 Patent – fig. 1, 1:66-2:18, 5:56-62, 6:46-7:9, 9:26-10:4, 12:8-13:34

'182 Application – fig. 1, p. 2:4-19, p. 5:14-17, p. 7:3-p. 10:3, p. 11:20-p. 12:4

'890 Application – fig. 1, p. 2:7-22, p. 3:30-p. 4:9, p. 5:8-17, p. 6:17-p. 7:30, p. 9:3-p. 10:9

'139 Application – fig. 1, p.2:7-20, p. 6:3-12, p. 7:5-12, p. 8:27-p. 10:17,

'189 Application – fig. 1, p. 2:17-30, p. 3:9-p. 6:10, p. 7:26-p. 9:11, p. 10:16:p. 12:15,

'973 Application – Abstract, fig. 1, p. 5:4-29, p. 6:26-p. 8:11, p. 10:6-21, p. 13:3-34,

'093 Application – Abstract, fig. 1, p. 2:8-21, p.4:15-26, p. 5:1-5, p. 6:31-p. 8:22, p. 9:25-p. 12:9, p. 13:5-24, p. 14:19-p. 15:34,

'181 Application – abstract, p. 2:16-29, p. 3:9-p. 4:3, p. 5:29-p. 6:30, p. 8:14-p. 10:9, p. 11:5-p. 14:8, p. 21:1-5,

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- Abstract, fig. 2, 1:54-6:26, 6:52-8:32, 8:53-14:30

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- Abstract, 1:33-5:54, 6:9-7:9, 7:54-10:19, 11:65-13:34

U.S. Pat. App. 09/458,602

- P. 3:25-4:13, p. 4:29-5:5, p. 5:8-5:26, 5:27-6:7, 6:8-6:14, 6:15-6:25, 6:26-7:21, p. 10:5-24, p. 10:25 - p. 11:9, p. 11:10-29, p. 11:30-p. 12:20, p. 12:26-p. 13:11, p. 13:12-21, p. 13:22-32, p. 13:32-p. 14:21, p. 14:30-p. 15:10, p. 15:11-22, p. 15:23-26, p. 17:7-17, p. 18:11-27, p. 19:6-22

U.S. Pat. App. 60/161,182

- fig. 2, p. 8:19-25, p. 10:14-25

U.S. Pat. App. 60/160,890

- fig. 3, p. 7:6-17, p. 11:14-p. 12:7

U.S. Pat. App. 60/161,139

- p. 5:6-21, p. 5:22-32, p. 11:12-24, p. 12:16-32, p. 13:1-22

U.S. Pat. App. 60/161,189

- p. 5:6-32, p. 12:16-32, p. 13:1-22,

U.S. Pat. App. 60/160,973

U.S. Pat. App. 60/161,181

- p. 4:20-29, p. 9:3-p. 10:29, p. 17:22-27, p. 19:20-29

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

U.S. Pat. App. 60/161,093

- fig. 7, and 8, p. 3:9-34, p. 4:5-31, p. 7:17-p. 8:15, p. 9:10-p. 12:9, p. 12:10-25, p. 12:26-p. 13:4, p. 13:25-p. 14:14, p. 15:1-10

U.S. Pat. App. 60/111,497

- Fig. 1, P. 2, 3, 5; Attachment A, p. 10, 12, 14, Attachment H, p. 4:20-32

U.S. Patent No. 7,194, 554

- Abstract, fig. 2, 1:54-5:12, 6:4-6:26, 6:52-8:32, 10:9-12:59, 13:15-14:19

U.S. Patent No. 6,636,894

- Abstract, 1:33-5:54, 6:9-7:9, 7:54-10:19, 11:65-13:34

U.S. Pat. App. 09/458,602

- P. 3:25-4:13, p. 4:29-5:5, p. 5:8-5:26, p. 6:15-6:25, p. 6:26-7:9, p. 7:22-30, p. 10:5-24, p. 10:25-p. 11:9, p. 11:10-29, p. 11:30-p. 12:20, p. 12:26-p. 13:11, p. 13:12-21, p. 13:22-31, p. 13:32-p. 14:21, p. 14:30-p. 15:10, p. 15:24-26, p. 17: 7-17, p. 18:11-27, p. 19:16-22

U.S. Pat. App. 60/161,182

- fig. 2, p. 8:19-25, p. 10:14-25

U.S. Pat. App. 60/160,890

- fig. 3, p. 7:6-17, p. 11:14-p. 12:7

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

U.S. Pat. App. 60/161,139

- p. 5:6-21, p. 5:22-32, p. 10:16-32, p. 11:1-11, p. 13:1-22

U.S. Pat. App. 60/161,189

- p. 5:6-32, p. 12:16-32, p. 13:1-22,

U.S. Pat. App. 60/160,973

U.S. Pat. App. 60/161,181

- p. 9:3-p. 10:2, p. 17:23-27, p. 19:21-29,

U.S. Pat. App. 60/161,093

- fig. 7, and 8, p. 3:9-34, p. 4:5-31, p. 7 :s 17-p. 8:15, p. 9:10-p. 12:9, p. 12:26-p. 13:4, p. 13:25-p. 14:14, p. 15:1-10

U.S. Pat. App. 60/111,497

- Fig. 1, p. 2, 3, 5; Attachment A, p. 10, 12; Attachment H p. 4:20-32

U.S. Patent No. 7,194, 554

- Abstract, fig. 2, 1:54-5:12, 6:4-6:26, 6:52-8:32, 10:9-12:59, 13:15-14:19

U.S. Patent No. 6,636,894

- Abstract, 1:33-5:54, 6:9-7:9, 7:54-10:19, 11:65-13:34

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

U.S. Pat. App. 09/458,602

- P. 3:25-4:13, p. 4:29-5:5, p. 5:8-5:26, p. 6:15-6:25, p. 6:26-7:9, p. 7:22-30, p. 10:5-24, p. 10:25-p. 11:9, p. 11:10-29, p. 11:30-p. 12:20, p. 12:26-p. 13:11, p. 13:12-21, p. 13:22-31, p. 13:32-p. 14:21, p. 14:30-p. 15:10, p. 15:24-26, p. 17: 7-17, p. 18:11-27, p. 19:16-22

U.S. Pat. App. 60/161,182

- fig. 2, p. 8:19-25, p. 10:14-25

U.S. Pat. App. 60/160,890

- fig. 3, p. 7:6-17, p. 11:14-p. 12:7

U.S. Pat. App. 60/161,139

- p. 5:6-21, p. 5:22-32, p. 10:16-32, p. 11:1-11, p. 13:1-22

U.S. Pat. App. 60/161,189

- p. 5:6-32, p. 12:16-32, p. 13:1-22,

U.S. Pat. App. 60/160,973

U.S. Pat. App. 60/161,181

- p. 9:3-p. 10:2, p. 17:23-27, p. 19:21-29,

U.S. Pat. App. 60/161,093

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- fig. 7, and 8, p. 3:9-34, p. 4:5-31, p. 7 :s 17-p. 8:15, p. 9:10-p. 12:9, p. 12:26-p. 13:4, p. 13:25-p. 14:14, p. 15:1-10

U.S. Pat. App. 60/111,497

Fig. 1, p. 2, 3, 5; Attachment A, p. 10, 12; Attachment H p. 4:20-32

NMDX0015204-15 NMDX0015221-37; NMDX0015241-56 NMDX0015257-75 NMDX0015276-78; NMDX0015280-96 NMDX0015297-311 NMDX0015312-25 NMDX0015336-48; NMDX0015351-53); NMDX0015354-68; NMDX0015371-89; NMDX0015390-98; NMDX0015399-408

[4] **Evidence Supporting Defendants' Proposed Construction for "determines the access rights of the source, wherein access rights define the rights of the source to access destination sites via the network"**

'554 patent: 10:54-60; 4:40-47; '554 patent File History, May 28, 2004 "Amendment" at 8.

[5] **Evidence Supporting Nomadix's Proposed Construction for "determining the access rights of the source based upon the identification of the source, wherein the access rights define the rights of the source to access destination sites via the network"**

'554 patent: Abstract, 3:9-5:26, 6:4-6:26, 8:10-8:32, 10:9-12:59, 14:5-19; 1:54-2:14, 2:36-3:64, 4:25-5:37, 6:4-26, 6:52-9:26, 10:9-51, 12:19-36, 12:60-13:14.

'554 Patent – Abstract, 3:9-5:26, 6:4-6:26, 8:10-8:32, 10:9-12:59, 14:5-19

'894 Patent – 3:60-4:58, 8:31-9:4, 11:65-13:44

'182 Application – p. 6:13-p. 7:20

'890 Application – p. 5:27-p. 6-16,

'139 Application – p. 6:13-24, p. 8:6-26, p. 11:31-p. 12:29, p. 15:25-p. 16:2,

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

‘189 Application – p. 7:12-25, p. 13:1-22,

‘973 Application – p. 6:13-25

‘093 Application – Abstract, p. 4:27-31, p. 6:10-30,

‘181 Application – p. 5:21-28, p. 7:24-p. 8:13, p. 11:22-p. 12:8,

‘554 Patent – Abstract, 1:54-2:14, 2:36-3:64, 4:25-5:37, 6:4-26, 6:52-9:26, 10:9-51, 12:19-36, 12:60-13:14.

‘894 Patent – fig. 1, 1:66-2:18, 5:56-62, 6:46-7:9, 9:26-10:4, 12:8-13:34

‘182 Application – fig. 1, p. 2:4-19, p. 5:14-17, p. 7:3-p. 10:3, p. 11:20-p. 12:4

‘890 Application – fig. 1, p. 2:7-22, p. 3:30-p. 4:9, p. 5:8-17, p. 6:17-p. 7:30, p. 9:3-p. 10:9

‘139 Application – fig. 1, p.2:7-20, p. 6:3-12, p. 7:5-12, p. 8:27-p. 10:17,

‘189 Application – fig. 1, p. 2:17-30, p. 3:9-p. 6:10, p. 7:26-p. 9:11, p. 10:16:p. 12:15,

‘973 Application – Abstract, fig. 1, p. 5:4-29, p. 6:26-p. 8:11, p. 10:6-21, p. 13:3-34,

‘093 Application – Abstract, fig. 1, p. 2:8-21, p.4:15-26, p. 5:1-5, p. 6:31-p. 8:22, p. 9:25-p. 12:9, p. 13:5-24, p. 14:19-p. 15:34,

‘181 Application – abstract, p. 2:16-29, p. 3:9-p. 4:3, p. 5:29-p. 6:30, p. 8:14-p. 10:9, p. 11:5-p. 14:8, p. 21:1-5,

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- Abstract, fig. 2, 1:54-6:26, 6:52-8:32, 8:53-14:30

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U.S. Patent No. 6,636,894

- Abstract, 1:33-5:54, 6:9-7:9, 7:54-10:19, 11:65-13:34

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- P. 3:25-4:13, p. 4:29-5:5, p. 5:8-5:26, 5:27-6:7, 6:8-6:14, 6:15-6:25, 6:26-7:21, p. 10:5-24, p. 10:25 - p. 11:9, p. 11:10-29, p. 11:30-p. 12:20, p. 12:26-p. 13:11, p. 13:12-21, p. 13:22-32, p. 13:32-p. 14:21, p. 14:30-p. 15:10, p. 15:11-22, p. 15:23-26, p. 17:7-17, p. 18:11-27, p. 19:6-22

U.S. Pat. App. 60/161,182

- fig. 2, p. 8:19-25, p. 10:14-25

U.S. Pat. App. 60/160,890

- fig. 3, p. 7:6-17, p. 11:14-p. 12:7

U.S. Pat. App. 60/161,139

- p. 5:6-21, p. 5:22-32, p. 11:12-24, p. 12:16-32, p. 13:1-22

U.S. Pat. App. 60/161,189

- p. 5:6-32, p. 12:16-32, p. 13:1-22,

U.S. Pat. App. 60/160,973

U.S. Pat. App. 60/161,181

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- p. 4:20-29, p. 9:3-p. 10:29, p. 17:22-27, p. 19:20-29

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- fig. 7, and 8, p. 3:9-34, p. 4:5-31, p. 7:17-p. 8:15, p. 9:10-p. 12:9, p. 12:10-25, p. 12:26-p. 13:4, p. 13:25-p. 14:14, p. 15:1-10

U.S. Pat. App. 60/111,497

- Fig. 1, P. 2, 3, 5; Attachment A, p. 10, 12, 14, Attachment H, p. 4:20-32

U.S. Patent No. 7,194, 554

- Abstract, fig. 2, 1:54-5:12, 6:4-6:26, 6:52-8:32, 10:9-12:59, 13:15-14:19

U.S. Patent No. 6,636,894

- Abstract, 1:33-5:54, 6:9-7:9, 7:54-10:19, 11:65-13:34

U.S. Pat. App. 09/458,602

- P. 3:25-4:13, p. 4:29-5:5, p. 5:8-5:26, p. 6:15-6:25, p. 6:26-7:9, p. 7:22-30, p. 10:5-24, p. 10:25-p. 11:9, p. 11:10-29, p. 11:30-p. 12:20, p. 12:26-p. 13:11, p. 13:12-21, p. 13:22-31, p. 13:32-p. 14:21, p. 14:30-p. 15:10, p. 15:24-26, p. 17: 7-17, p. 18:11-27, p. 19:16-22

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- fig. 2, p. 8:19-25, p. 10:14-25

U.S. Pat. App. 60/160,890

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

- fig. 3, p. 7:6-17, p. 11:14-p. 12:7

U.S. Pat. App. 60/161,139

- p. 5:6-21, p. 5:22-32, p. 10:16-32, p. 11:1-11, p. 13:1-22

U.S. Pat. App. 60/161,189

- p. 5:6-32, p. 12:16-32, p. 13:1-22,

U.S. Pat. App. 60/160,973

U.S. Pat. App. 60/161,181

- p. 9:3-p. 10:2, p. 17:23-27, p. 19:21-29,

U.S. Pat. App. 60/161,093

- fig. 7, and 8, p. 3:9-34, p. 4:5-31, p. 7 :s 17-p. 8:15, p. 9:10-p. 12:9, p. 12:26-p. 13:4, p. 13:25-p. 14:14, p. 15:1-10

U.S. Pat. App. 60/111,497

- Fig. 1, p. 2, 3, 5; Attachment A, p. 10, 12; Attachment H p. 4:20-32

U.S. Patent No. 7,194, 554

- Abstract, fig. 2, 1:54-5:12, 6:4-6:26, 6:52-8:32, 10:9-12:59, 13:15-14:19

U.S. Patent No. 6,636,894

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

- Abstract, 1:33-5:54, 6:9-7:9, 7:54-10:19, 11:65-13:34

U.S. Pat. App. 09/458,602

- P. 3:25-4:13, p. 4:29-5:5, p. 5:8-5:26, p. 6:15-6:25, p. 6:26-7:9, p. 7:22-30, p. 10:5-24, p. 10:25-p. 11:9, p. 11:10-29, p. 11:30-p. 12:20, p. 12:26-p. 13:11, p. 13:12-21, p. 13:22-31, p. 13:32-p. 14:21, p. 14:30-p. 15:10, p. 15:24-26, p. 17: 7-17, p. 18:11-27, p. 19:16-22

U.S. Pat. App. 60/161,182

- fig. 2, p. 8:19-25, p. 10:14-25

U.S. Pat. App. 60/160,890

- fig. 3, p. 7:6-17, p. 11:14-p. 12:7

U.S. Pat. App. 60/161,139

- p. 5:6-21, p. 5:22-32, p. 10:16-32, p. 11:1-11, p. 13:1-22

U.S. Pat. App. 60/161,189

- p. 5:6-32, p. 12:16-32, p. 13:1-22,

U.S. Pat. App. 60/160,973

U.S. Pat. App. 60/161,181

- p. 9:3-p. 10:2, p. 17:23-27, p. 19:21-29,

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

U.S. Pat. App. 60/161,093

- fig. 7, and 8, p. 3:9-34, p. 4:5-31, p. 7 :s 17-p. 8:15, p. 9:10-p. 12:9, p. 12:26-p. 13:4, p. 13:25-p. 14:14, p. 15:1-10

U.S. Pat. App. 60/111,497

Fig. 1, p. 2, 3, 5; Attachment A, p. 10, 12; Attachment H p. 4:20-32

NMDX0015204-15 NMDX0015221-37; NMDX0015241-56 NMDX0015257-75 NMDX0015276-78; NMDX0015280-96 NMDX0015297-311 NMDX0015312-25 NMDX0015336-48; NMDX0015351-53); NMDX0015354-68; NMDX0015371-89; NMDX0015390-98; NMDX0015399-408

[6] **Evidence Supporting Defendants' Proposed Construction for "determining the access rights of the source based upon the identification of the source, wherein the access rights define the rights of the source to access destination sites via the network"**

'554 patent: 10:54-60; 4:40-47; '554 patent File History, May 28, 2004 "Amendment" at 8.

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

AGREED-UPON CONSTRUCTIONS

Claim	Term	Agreed-Upon Construction
1, 6, 13, 18	agent	The parties have agreed on the Court's prior construction: special client software for managing the communication between the client and the gateway device
1, 13	for billing purposes	The parties have agreed on the Court's prior construction: for billing purposes
1	for automatically billing the user based upon usage of the computer network	The parties agree with the Court's prior construction, except with "upon" replacing "on" (the Court's recitation of the claim language also had "on" instead of "upon"): for automatically billing the user based upon usage of the computer network
13	for automatically billing the user based upon the physical location of the user and the usage of the computer network	The parties have agreed on the Court's prior construction: for automatically billing the user based upon the physical location of the user and the usage of the computer network

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

DISPUTED CONSTRUCTIONS

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
1. A system for integrating a gateway device with a **management system** to automatically bill a user for access to a computer network, comprising:	management system	No construction is necessary.[1]	a management system that is separate from the network gateway device for managing a property's operations and connected to the network gateway device via a physical link[2]
a computer;			
a network gateway device in communication with said computer for connecting the computer to the computer network, wherein the network gateway device communicates with the computer **absent additional agents implemented by the computer** and wherein the network gateway device maintains data representative of the user's access to the computer network; and	absent additional agents implemented by the computer	Nomadix agrees with the Court's prior construction (for the corresponding term from Claim 6): absent additional special client software implemented by the computer for managing the communication between the computer and the gateway device[3]	without the need to implement additional "agents" or to reconfigure the computer in any manner[4]
a **management system** connected to said network gateway device for	management system See above		

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
automatically billing the user based upon usage of the computer network, wherein said **management system** is configured to communicate according to at least one **predetermined protocol**,	predetermined protocol	No construction is necessary.[5]	a protocol that can be used to organize data related to telephone calls that includes fields corresponding to charged amount and phone number called[6]
wherein the network gateway device formats the data into **call accounting record format**, and wherein said **management system** receives the data formatted by the network gateway device and utilizes the data formatted by the network gateway device for billing purposes.	call accounting record format	Nomadix agrees with the Court's prior construction: a format that can be used to organize data related to telephone calls[7]	a format that can be used to organize data related to telephone calls that includes fields corresponding to charged amount and phone number called[8]
	management system See above		
6. A method for integrating a gateway device with a **management system** to automatically bill a customer for access to a computer network, comprising:	management system See Claim 1, above		

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
enabling a user to access, via a network gateway device, a computer network **absent additional agents implemented by a user's computer**;	absent additional agents implemented by a user's computer	Nomadix agrees with the Court's prior construction: absent additional special client software implemented by the computer for managing the communication between the computer and the gateway device[9]	without the need to implement additional "agents" or to reconfigure the user's computer in any manner[10]
collecting data corresponding to the user's access to said computer network in said network gateway device;			
reconfiguring said data into **call accounting record format**; and	call accounting record format See Claim 1, above		
transmitting the reconfigured data to the **management system**.	management system See Claim 1, above		
13. A system for integrating a gateway device with a **management system** to automatically bill a user for access to a computer network, comprising:	management system See Claim 1, above		
a computer;			

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
a network gateway device in communication with said computer for connecting the computer to the computer network, wherein the network gateway device communicates with the computer **absent additional agents implemented by the computer** and wherein the network gateway device maintains data representative of the user's **physical location** and usage of the computer network; and	absent additional agents implemented by the computer See Claim 1, above		
	physical location	No construction is necessary.[11]	communication port through which the user's computer accessed the network[12]
a **management system** connected to said network gateway device for automatically billing the user based upon the **physical location** of the user and the usage of the computer network, wherein said **management system** is configured to communicate according to at least one **predetermined protocol**,	management system See Claim 1, above		
	physical location See Claim 13, above		
	predetermined protocol See Claim 1		
wherein the network gateway device formats the data to meet one of the	predetermined protocol See Claim 1 above		

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
predetermined protocols supported by said management system, and wherein said **management system** receives the data formatted by the network gateway device and utilizes the data formatted by the network gateway device, including the **physical location** of the user and the user's network usage, for billing purposes.	management system See Claim 1 above		
	physical location See Claim 13, above		
15. The system of claim 13, wherein the at least one **predetermined protocol** is selected from the group consisting of a low level protocol, **a call accounting record**, and a private branch telephone system protocol.	a call accounting record	Nomadix agrees with the Court's prior construction: a protocol that can be used to organize data related to telephone calls[13]	a protocol that can be used to organize data related to telephone calls that includes fields corresponding to charged amount and phone number called[14]
	predetermined protocol See Claim 1		
18. A method for integrating a gateway device with a **management system** to automatically bill a customer for access to a computer network, comprising:	management system See Claim 1, above		

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
enabling a user to access, via a network gateway device, a computer network, **absent additional agents implemented by a user's computer**;	absent additional agents implemented by a user's computer See Claim 6, above		
collecting data corresponding to the user's access to said computer network, including a physical location of the user and the user's network usage, in said network gateway device;	collecting data corresponding to the user's access to said computer network, including a physical location of the user and the user's network usage, in said network gateway device	No construction is necessary.[15]	monitoring and recording "data representative of the user's access to the computer network," including a "physical location" of the user and the "user's network usage", in said network gateway device[16]
	physical location See Claim 13, above		
reconfiguring said data to one of the **predetermined data formats** which may be received by a **management system**; and transmitting the reconfigured data to the **management system**.	predetermined data formats	No construction is necessary.[17]	a format that can be used to organize data related to telephone calls that includes fields corresponding to charged amount and phone number called[18]
	management system See Claim 1, above		
20. The method of claim 18,			

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
wherein reconfiguring said data comprises reconfiguring said data to one of said predetermined formats selected from the group consisting of a low level protocol, **a call accounting record**, and a private branch telephone system protocol.	a call accounting record See Claim 15, above		

[1] **Evidence Supporting Nomadix's Proposed Construction for "a management system"**

'399 Patent: Claim 1; Abstract; Figs. 1-3; Col. 1:30-Col. 4:9; Col. 4:22-Col. 5:34; Col. 5:42-Col. 7:41; Col. 7:51-55; Col. 7:64-Col. 8:25; Col. 8:37-Col. 10:9

'973 Application: p. 1:14-p. 2:21; p. 3:6-p. 5:13; p. 5:24-28; p. 6:5-25; p. 7:7-p. 11:29; p. 11:30-p. 13:34; p. 15:1-p. 17:27; Figs. 1, 2; Attachments A (PMS/Credit Card/RADIUS Design Specification), B (USG User Guide v. 2) (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

'093 Application: p. 1:3-p. 3:8; p. 4:2-p. 9:9; p. 12:10-p. 13:4; p. 17:1-p. 18:31; Figs. 1-6; Attachment A (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'139 Application: p. 1:3-p. 3:11; p. 4:15-p. 7:30; p. 8:6-p. 11:18; p. 14:30-p. 19:8; p. 20:1-p. 21:31; Figs. 1-7; Attachments A (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132), B-G

'181 Application: p. 1:2-p. 4:19; p. 5:20-p. 7:15; p. 7:24-p. 12:18; p. 14:9-p. 22:20; p. 23:1-p. 24:16; Figs. 1-4; Attachments A (XML Interface Specfications For USG/BCS Commc'ns), B (XML/AAA Interface API Specification), C (XML Parser/ Response Builder), D (XML As a Protocol for External Access to AAA Services), E (USG User Guide v. 2) (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'182 Application: p. 1:5-p. 3:20; p. 4:14-p. 5:27; p. 6:13-p. 17:2; p. 18:2-p. 20:13; Figs. 1-9; Attachments A (PMS/Credit Card/RADIUS Design Specification), B (Bandwidth Management Overview), C (USG User Guide v. 2) (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'189 Application: p. 1:5-p. 3:23; p. 4:29-p. 6:9; p. 6:19-p. 12:15; p. 13:1-p. 15:9; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A (PMS/Credit Card/RADIUS Design Specification), B (USG User Guide v. 2) (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'174 Application: p. 1:7-10; p. 1:26-p. 3:19; p. 3:26-p. 4:24; p. 4:32-p. 14:15; Figs. 1-6

'497 Application: pp. 1-6; Figs. 1, 2; Attachments A (pp. 2, 9-15), B-F, H (p. 1:10-p. 10:9; p. 11:9-p. 29:24, Figs. 1-15)

'060 Application: p. 2:2-4; p. 2:27-p. 3:23; p. 4:28-p. 5:13; p. 5:24-p. 6:26; p. 7:7-p. 8:15; p. 9:2-6; p. 9:16-p. 10:8; p. 10:24-p. 11:5; p. 11:18-p. 12:2; p. 13:1-13; p. 14:16-p. 15:3; p. 15:28-p. 16:25; p. 18:3-18; p. 19:3-p. 20:20; p. 21:1-p. 27-16; Figs. 1-2

NMDX0010442-NMDX0010458; NMDX0010748-NMDX0010751; NMDX0010752-NMDX0010758; NMDX0010764-NMDX0010785

[2] **Evidence Supporting Defendants' Proposed Construction for "a management system"**

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

'399 patent: Fig. 2; 5:49-67; 6:49-65; 5:21-23; 6:1-11; 9:58-64

[3] **Evidence Supporting Nomadix's Proposed Construction for "absent additional agents implemented by the computer"**

The Court's prior construction

'399 Patent: Claim 1; Abstract; Figs. 1-3; Col. 1:30-Col. 2:32; Col. 2:45-Col. 3:17; Col. 3:27-31, 60-62; Col. 3:65-Col. 5:34; Col. 6:10-48; Col. 7:43-47, 58-64; Col. 9:5-34

'973 Application: p. 1:14-16; p. 2:8-p. 3:28; p. 4:5-p. 5:13; p. 5:24-28; p. 6:5-28; p. 7:7-p. 12:20; p. 13:3-34; p. 15:1-p. 17:27; Figs. 1, 2; Attachments A, B

'093 Application: p. 1:3-p. 3:8; p. 3:17-p. 9:17; p. 9:25-p. 12:25; p. 13:25-p. 16:12; p. 17:1-p. 18:31; Figs. 1-8; Attachment A

'139 Application: p. 1:3-4; p. 2:7-p. 3:11; p. 4:15-p. 7:30; p. 8:6-p. 11:4; p. 11:19-p. 12:13; p. 14:6-p. 19:8; p. 20:1-p. 21:31; Figs. 1-7; Attachments A-G

'181 Application: p. 1:2-p. 4:19; p. 5:20-p. 6:11; p. 7:1-15; p. 7:24-p. 12:18; p. 14:9-p. 22:20; p. 23:1-p. 24:16; Figs. 1-4; Attachments A-E

'182 Application: p. 1:5-p. 3:20; p. 4:14-p. 5:27; p. 6:13-p. 17:2; p. 18:2-p. 20:13; Figs. 1-9; Attachments A-C

'189 Application: p. 1:5-p. 3:23; p. 4:29-p. 6:9; p. 6:19-p. 12:15; p. 13:1-p. 15:9; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A, B

'174 Application: p. 1:7-10; p. 1:26-p. 3:19; p. 3:26-p. 14:15; Figs. 1-6

'497 Application: pp. 1-6; Figs. 1, 2; Attachments A (pp. 2, 9-15), B-F, H (p. 1:10-p. 10:9; p. 11:9-p. 29:24, Figs. 1-15)

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

'060 Application: p. 2:2-4; p. 2:27-p. 3:23; p. 4:28-p. 5:13; p. 5:24-p. 6:26; p. 7:7-p. 8:15; p. 9:2-6; p. 9:16-p. 10:8; p. 10:24-p. 11:5; p. 11:18-p. 12:2; p. 13:1-13; p. 14:16-p. 15:3; p. 15:28-p. 16:25; p. 18:3-18; p. 19:3-p. 20:20; p. 21:1-p. 27-16; Figs. 1-2

NMDX0010442-NMDX0010458; NMDX0010748-NMDX0010751; NMDX0010752-NMDX0010758; NMDX0010764-NMDX0010785

[4] **Evidence Supporting Defendants' Proposed Construction for "absent additional agents implemented by the computer"**

'399 File History, Amendment in Response to June 4, 2003 Office Action, at 8-9; '892 patent at 6:5-9; *Nomadix Inc. v. Second Rule LLC*, Case No. CV 07-01946 DDP, Amended Claim Construction Order, Docket No. 137 (October 15, 2008) at 11.

[5] **Evidence Supporting Nomadix's Proposed Construction for "predetermined protocol"**

'399 Patent: Claim 1; Abstract; Figs. 1-3; Col. 1:30-Col. 4:9; Col. 4:22-42; Col. 5:10-34; Col. 5:49-Col. 6:18; Col. 6:33-Col. 8:19; Col. 8:37-Col. 10:9

'973 Application: p. 1:14-16; p. 2:11-p. 3:28; p. 4:5-p. 5:13; p. 5:24-28; p. 6:5-28; p. 7:7-p. 13:34; p. 15:1-p. 17:27; Figs. 1, 2; Attachments A, B (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'093 Application: p. 1:3-5; p. 2:8-p. 3:8; p. 4:1-p. 5:32; p. 9:10-p. 13:4; p. 17:1-p. 18:31; Figs. 1-6; Attachment A (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'139 Application: p. 1:3-4; p. 2:7-p. 3:11; p. 4:15-p. 7:30; p. 8:6-p. 11:4; p. 11:19-p. 12:13; p. 14:6-p. 19:8; p. 20:1-p. 21:31; Figs. 1-7; Attachments A (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132), B-G

'181 Application: p. 1:2-p. 4:19; p. 5:20-p. 6:11; p. 7:1-15; p. 7:24-p. 12:18; p. 13:29-p. 22:20; p. 23:1-p. 24:16; Figs. 1-4; Attachments A-D, E (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'182 Application: p. 1:5-p. 3:20; p. 4:14-p. 5:27; p. 6:13-p. 17:2; p. 18:2-p. 20:13; Figs. 1-9; Attachments A, B, C (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

'189 Application: p. 1:5-p. 3:23; p. 4:29-p. 6:9; p. 6:19-p. 12:15; p. 13:1-p. 15:9; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A, B (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'497 Application: pp. 1-6; Figs. 1, 2; Attachments A (pp. 2, 9-15), B-F, H (p. 1:10-p. 10:9; p. 11:9-p. 29:24, Figs. 1-15)

'060 Application: p. 2:2-4; p. 2:27-p. 3:23; p. 4:28-p. 5:13; p. 5:24-p. 6:26; p. 7:7-p. 8:15; p. 9:2-6; p. 9:16-p. 10:8; p. 10:24-p. 11:5; p. 11:18-p. 12:2; p. 13:1-13; p. 14:16-p. 15:3; p. 15:28-p. 16:25; p. 18:3-18; p. 19:3-p. 20:20; p. 21:1-p. 27-16; Figs. 1-2

NMDX0010442-NMDX0010458; NMDX0010748-NMDX0010751; NMDX0010752-NMDX0010758; NMDX0010764-NMDX0010785

Webster's Third New International Dictionary at 1786 (2002): definition for "predetermine"

[6] **Evidence Supporting Defendants' Proposed Construction for "predetermined protocol"**

'399 File History Response to Jun. 4, 2003 Office Action at 10-11; '399 File History, Reasons for Allowance at 2

[7] **Evidence Supporting Nomadix's Proposed Construction for "call accounting record format"**

The Court's prior construction

'399 Patent: Claim 1; Abstract; Figs. 1-3; Col. 1:30-Col. 4:9; Col. 4:22-42; Col. 5:10-34; Col. 5:49-Col. 6:18; Col. 6:33-Col. 8:19; Col. 8:37-Col. 10:9

'973 Application: p. 1:14-16; p. 2:11-p. 3:5; p. 3:21-28; p. 4:5-p. 5:13; p. 5:24-28; p. 6:5-28; p. 7:7-p. 9:26; p. 10:6-p. 13:34; p. 15:1-p. 17:27; Figs. 1, 2; Attachments A, B (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

'093 Application: p. 1:3-5; p. 2:8-p. 3:32; p. 4:1-p. 5:32; p. 9:10-p. 13:4; p. 17:1-p. 18:31; Figs. 1-6; Attachment A (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'139 Application: p. 1:3-4; p. 2:7-p. 3:11; p. 4:15-p. 7:30; p. 8:6-p. 11:4; p. 11:19-p. 12:13; p. 14:6-p. 19:8; p. 20:1-p. 21:31; Figs. 1-7; Attachments A (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132), B-G

'181 Application: p. 1:2-p. 4:19; p. 5:20-p. 6:11; p. 7:1-15; p. 7:24-p. 12:18; p. 13:29-p. 22:20; p. 23:1-p. 24:16; Figs. 1-4; Attachments A-D, E (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'182 Application: p. 1:5-p. 3:20; p. 4:14-p. 5:27; p. 6:13-p. 17:2; p. 18:2-p. 20:13; Figs. 1-9; Attachments A, B, C (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'189 Application: p. 13:23-p. 14:21; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A, B (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'497 Application: pp. 1-6; Figs. 1, 2; Attachments A (pp. 2, 9-15), B-F, H (p. 1:10-p. 10:9; p. 11:9-p. 29:24, Figs. 1-15)

'060 Application: p. 2:2-4; p. 2:27-p. 3:23; p. 4:28-p. 5:13; p. 5:24-p. 6:26; p. 7:7-p. 8:15; p. 9:2-6; p. 9:16-p. 10:8; p. 10:24-p. 11:5; p. 11:18-p. 12:2; p. 13:1-13; p. 14:16-p. 15:3; p. 15:28-p. 16:25; p. 18:3-18; p. 19:3-p. 20:20; p. 21:1-p. 27-16; Figs. 1-2

NMDX0010442-NMDX0010458; NMDX0010748-NMDX0010751; NMDX0010752-NMDX0010758; NMDX0010764-NMDX0010785

[8] **Evidence Supporting Defendants' Proposed Construction for "call accounting record format"**

'399 patent: 7:56-63; 8:57-65;'399 File History, Response to Jun. 4, 2003 Office Action, at 10; *Nomadix Inc. v. Second Rule LLC*, Case No. CV 07-01946 DDP, Amended Claim Construction Order, Docket No. 137 (October 15, 2008) at 21

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

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[9] **Evidence Supporting Nomadix's Proposed Construction for "absent additional agents implemented by a user's computer"**

The Court's prior construction

'399 Patent: Claim 1; Abstract; Figs. 1-3; Col. 1:30-Col. 2:32; Col. 2:45-Col. 3:17; Col. 3:27-31, 60-62; Col. 3:65-Col. 5:34; Col. 6:10-48; Col. 7:43-47, 58-64; Col. 9:5-34

'973 Application: p. 1:14-16; p. 2:8-p. 3:28; p. 4:5-p. 5:13; p. 5:24-28; p. 6:5-28; p. 7:7-p. 12:20; p. 13:3-34; p. 15:1-p. 17:27; Figs. 1, 2; Attachments A, B

'093 Application: p. 1:3-p. 3:8; p. 3:17-p. 9:17; p. 9:25-p. 12:25; p. 13:25-p. 16:12; p. 17:1-p. 18:31; Figs. 1-8; Attachment A

'139 Application: p. 1:3-4; p. 2:7-p. 3:11; p. 4:15-p. 7:30; p. 8:6-p. 11:4; p. 11:19-p. 12:13; p. 14:6-p. 19:8; p. 20:1-p. 21:31; Figs. 1-7; Attachments A-G

'181 Application: p. 1:2-p. 4:19; p. 5:20-p. 6:11; p. 7:1-15; p. 7:24-p. 12:18; p. 14:9-p. 22:20; p. 23:1-p. 24:16; Figs. 1-4; Attachments A-E

'182 Application: p. 1:5-p. 3:20; p. 4:14-p. 5:27; p. 6:13-p. 17:2; p. 18:2-p. 20:13; Figs. 1-9; Attachments A-C

'189 Application: p. 1:5-p. 3:23; p. 4:29-p. 6:9; p. 6:19-p. 12:15; p. 13:1-p. 15:9; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A, B

'174 Application: p. 1:7-10; p. 1:26-p. 3:19; p. 3:26-p. 14:15; Figs. 1-6

'497 Application: pp. 1-6; Figs. 1, 2; Attachments A (pp. 2, 9-15), B-F, H (p. 1:10-p. 10:9; p. 11:9-p. 29:24, Figs. 1-15)

'060 Application: p. 2:2-4; p. 2:27-p. 3:23; p. 4:28-p. 5:13; p. 5:24-p. 6:26; p. 7:7-p. 8:15; p. 9:2-6; p. 9:16-p. 10:8; p. 10:24-p. 11:5; p. 11:18-p. 12:2; p. 13:1-13; p. 14:16-p. 15:3; p. 15:28-p. 16:25; p. 18:3-18; p. 19:3-p. 20:20; p. 21:1-p. 27-16; Figs. 1-2

NMDX0010442-NMDX0010458; NMDX0010748-NMDX0010751; NMDX0010752-NMDX0010758; NMDX0010764-NMDX0010785

[10] **Evidence Supporting Defendants' Proposed Construction for "absent additional agents implemented by a user's computer"**

'399 File History, Amendment in Response to June 4, 2003 Office Action, at 8-9; '892 patent at 6:5-9; *Nomadix Inc. v. Second Rule LLC*, Case No. CV 07-01946 DDP, Amended Claim Construction Order, Docket No. 137 (October 15, 2008) at 11.

[11] **Evidence Supporting Nomadix's Proposed Construction for "physical location"**

'399 Patent: Claim 13; Abstract; Figs. 1-3; Col. 1:30-Col. 2:32; Col. 2:45-Col. 3:17; Col. 3:27-31, 60-62; Col. 3:65-Col. 5:34; Col. 6:10-48; Col. 7:43-47, 58-64; Col. 9:5-34

'973 Application: p. 1:14-16; p. 2:8-p. 3:28; p. 4:5-p. 5:13; p. 5:24-28; p. 6:5-28; p. 7:7-p. 12:20; p. 13:3-34; p. 15:1-p. 17:27; Figs. 1, 2; Attachments A, B

'093 Application: p. 1:3-p. 9:17; p. 9:18-p. 14:14; p. 14:19-p. 16:12; p. 17:1-p. 18:31; Figs. 1-8; Attachment A

'139 Application: p. 1:3-4; p. 2:7-p. 3:11; p. 4:15-p. 7:30; p. 8:6-p. 11:4; p. 11:19-p. 12:13; p. 14:6-p. 19:8; p. 20:1-p. 21:31; Figs. 1-7; Attachments A-G

'181 Application: p. 1:2-p. 4:19; p. 5:20-p. 6:11; p. 7:1-15; p. 7:24-p. 12:18; p. 14:9-p. 22:20; p. 23:1-p. 24:16; Figs. 1-4; Attachments A-E

'182 Application: p. 1:5-p. 3:20; p. 4:14-p. 5:27; p. 6:13-p. 17:2; p. 18:2-p. 20:13; Figs. 1-9; Attachments A-C

'189 Application: p. 1:5-p. 3:23; p. 4:29-p. 6:9; p. 6:19-p. 12:15; p. 13:1-p. 15:9; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A, B

'174 Application: p. 1:7-10; p. 1:26-p. 3:19; p. 3:26-p. 14:15; Figs. 1-6

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

'497 Application: pp. 1-6; Figs. 1, 2; Attachments A (pp. 2, 9-15), B-F, H (p. 1:10-p. 10:9; p. 11:9-p. 29:24, Figs. 1-15)

'060 Application: p. 2:2-4; p. 2:27-p. 3:23; p. 4:28-p. 5:13; p. 5:24-p. 6:26; p. 7:7-p. 8:15; p. 9:2-6; p. 9:16-p. 10:8; p. 10:24-p. 11:5; p. 11:18-p. 12:2; p. 13:1-13; p. 14:16-p. 15:3; p. 15:28-p. 16:25; p. 18:3-18; p. 19:3-p. 20:20; p. 21:1-p. 27-16; Figs. 1-2

NMDX0010442-NMDX0010458; NMDX0010748-NMDX0010751; NMDX0010752-NMDX0010758; NMDX0010764-NMDX0010785

[12] **Evidence Supporting Defendants' Proposed Construction for "physical location"**

'399 patent: 5:37-42; 3:14-18; 6:36-41; 9:64-67'399 File History Response to Aug. 27, 2002 Office Action at 8; *id*. at 10

[13] **Evidence Supporting Nomadix's Proposed Construction for "a call accounting record"**

The Court's prior construction

'399 Patent: Claim 1; Abstract; Figs. 1-3; Col. 1:30-Col. 4:9; Col. 4:22-42; Col. 5:10-34; Col. 5:49-Col. 6:18; Col. 6:33-Col. 8:19; Col. 8:37-Col. 10:9

'973 Application: p. 1:14-16; p. 2:11-p. 3:5; p. 3:21-28; p. 4:5-p. 5:13; p. 5:24-28; p. 6:5-28; p. 7:7-p. 9:26; p. 10:6-p. 13:34; p. 15:1-p. 17:27; Figs. 1, 2; Attachments A, B (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'093 Application: p. 1:3-5; p. 2:8-p. 3:32; p. 4:1-p. 5:32; p. 9:10-p. 13:4; p. 17:1-p. 18:31; Figs. 1-6; Attachment A (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'139 Application: p. 1:3-4; p. 2:7-p. 3:11; p. 4:15-p. 7:30; p. 8:6-p. 11:4; p. 11:19-p. 12:13; p. 14:6-p. 19:8; p. 20:1-p. 21:31; Figs. 1-7; Attachments A (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132), B-G

'181 Application: p. 1:2-p. 4:19; p. 5:20-p. 6:11; p. 7:1-15; p. 7:24-p. 12:18; p. 13:29-p. 22:20; p. 23:1-p. 24:16; Figs. 1-4; Attachments A-D, E (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

'182 Application: p. 1:5-p. 3:20; p. 4:14-p. 5:27; p. 6:13-p. 17:2; p. 18:2-p. 20:13; Figs. 1-9; Attachments A, B, C (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'189 Application: p. 13:23-p. 14:21; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A, B (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'497 Application: pp. 1-6; Figs. 1, 2; Attachments A (pp. 2, 9-15), B-F, H (p. 1:10-p. 10:9; p. 11:9-p. 29:24, Figs. 1-15)

'060 Application: p. 2:2-4; p. 2:27-p. 3:23; p. 4:28-p. 5:13; p. 5:24-p. 6:26; p. 7:7-p. 8:15; p. 9:2-6; p. 9:16-p. 10:8; p. 10:24-p. 11:5; p. 11:18-p. 12:2; p. 13:1-13; p. 14:16-p. 15:3; p. 15:28-p. 16:25; p. 18:3-18; p. 19:3-p. 20:20; p. 21:1-p. 27-16; Figs. 1-2

NMDX0010442-NMDX0010458; NMDX0010748-NMDX0010751; NMDX0010752-NMDX0010758; NMDX0010764-NMDX0010785

[14] **Evidence Supporting Defendants' Proposed Construction for "a call accounting record"**

'399 patent: 7:56-63; 8:57-65; '399 File History, Response to Jun. 4, 2003 Office Action, at 10; *Nomadix Inc. v. Second Rule LLC*, Case No. CV 07-01946 DDP, Amended Claim Construction Order, Docket No. 137 (October 15, 2008) at 21

[15] **Evidence Supporting Nomadix's Proposed Construction for "collecting data corresponding to the user's access to said computer network, including a physical location of the user and the user's network usage, in said network gateway device"**

'399 Patent: Claim 18; Abstract; Figs. 1-3; Col. 1:30-Col. 2:32; Col. 2:45-Col. 3:17; Col. 3:23-37, 60-62; Col. 3:65-Col. 4:9; Col. 6:10-48; Col. 7:43-47, 56-65; Col. 9:5-34

'973 Application: p. 1:14-16; p. 2:11-p. 3:28; p. 4:5-p. 5:13; p. 5:24-28; p. 6:5-28; p. 7:7-p. 9:11; p. 10:6-p. 12:20; p. 13:3-34; p. 15:1-p. 17:27; Figs. 1, 2; Attachments A, B (pp. 10-14, 43, 70-76, 95-106, 110, 113-115)

'093 Application: p. 1:3-p. 9:17; p. 9:18-p. 14:14; p. 14:19-p. 16:12; p. 17:1-p. 18:31; Figs. 1-8; Attachment A

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

'139 Application: p. 1:3-4; p. 2:7-p. 3:11; p. 4:15-p. 7:30; p. 8:6-p. 11:4; p. 11:19-p. 12:13; p. 14:6-p. 19:8; p. 20:1-p. 21:31; Figs. 1-7; Attachments A (pp. 10-14, 43, 70-76, 95-106, 110, 113-115), B-G

'181 Application: p. 1:2-p. 4:19; p. 5:20-p. 6:11; p. 7:1-15; p. 7:24-p. 12:18; p. 14:9-p. 22:20; p. 23:1-p. 24:16; Figs. 1-4; Attachments A-D, E (pp. 10-14, 43, 70-76, 95-106, 110, 113-115)

'182 Application: p. 1:5-p. 3:20; p. 4:14-p. 5:27; p. 6:13-p. 17:2; p. 18:2-p. 20:13; Figs. 1-9; Attachments A-C (pp. 10-14, 43, 70-76, 95-106, 110, 113-115)

'189 Application: p. 1:5-p. 3:23; p. 4:29-p. 6:9; p. 6:19-p. 12:15; p. 13:1-p. 15:9; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A, B (pp. 10-14, 43, 70-76, 95-106, 110, 113-115)

'497 Application: pp. 1-6; Figs. 1, 2; Attachments A (pp. 2, 9-15), B-F, H (p. 1:10-p. 10:9; p. 11:9-p. 29:24, Figs. 1-15)

'060 Application: p. 2:2-4; p. 2:27-p. 3:23; p. 4:28-p. 5:13; p. 5:24-p. 6:26; p. 7:7-p. 8:15; p. 9:2-6; p. 9:16-p. 10:8; p. 10:24-p. 11:5; p. 11:18-p. 12:2; p. 13:1-13; p. 14:16-p. 15:3; p. 15:28-p. 16:25; p. 18:3-18; p. 19:3-p. 20:20; p. 21:1-p. 27-16; Figs. 1-2

NMDX0010442-NMDX0010458; NMDX0010748-NMDX0010751; NMDX0010752-NMDX0010758; NMDX0010764-NMDX0010785

[16] **Evidence Supporting Defendants' Proposed Construction for "collecting data corresponding to the user's access to said computer network, including a physical location of the user and the user's network usage, in said network gateway device"**

'399 File History Response to Aug. 27, 2002 Office Action at 6

[17] **Evidence Supporting Nomadix's Proposed Construction for "predetermined data formats"**

'399 Patent: Claim 18; Abstract; Figs. 1-3; Col. 1:30-Col. 2:32; Col. 2:45-Col. 3:17; Col. 3:23-56; Col. 3:65-Col. 4:9; Col. 6:36-Col. 8:36; Col. 8:37-Col. 9:57

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

'973 Application: p. 1:14-16; p. 2:11-p. 3:5; p. 3:21-28; p. 4:5-p. 5:13; p. 5:24-28; p. 6:5-28; p. 7:7-p. 9:26; p. 10:6-p. 13:34; p. 15:1-p. 17:27; Figs. 1, 2; Attachments A, B (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'093 Application: p. 1:3-5; p. 2:8-p. 3:32; p. 4:1-p. 5:32; p. 9:10-p. 13:4; p. 17:1-p. 18:31; Figs. 1-6; Attachment A (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'139 Application: Attachments A (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132), B-G

'181 Application: p. 12:29-p. 24:16; Attachments A-D, E (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'182 Application: Fig. 2; Attachments A, C (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'189 Application: p. 13:23-p. 14:21; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A, B (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'497 Application: pp. 1-6; Figs. 1, 2; Attachments A (pp. 2, 9-15), B-F, H (p. 1:10-p. 10:9; p. 11:9-p. 29:24, Figs. 1-15)

'060 Application: p. 2:2-4; p. 2:27-p. 3:23; p. 4:28-p. 5:13; p. 5:24-p. 6:26; p. 7:7-p. 8:15; p. 9:2-6; p. 9:16-p. 10:8; p. 10:24-p. 11:5; p. 11:18-p. 12:2; p. 13:1-13; p. 14:16-p. 15:3; p. 15:28-p. 16:25; p. 18:3-18; p. 19:3-p. 20:20; p. 21:1-p. 27-16; Figs. 1-2

NMDX0010442-NMDX0010458; NMDX0010748-NMDX0010751; NMDX0010752-NMDX0010758; NMDX0010764-NMDX0010785

[18] **Evidence Supporting Defendants' Proposed Construction for "predetermined data formats"**

'399 File History Response to Jun. 4, 2003 Office Action at 10-11; '399 File History, Reasons for Allowance at 2.

EXHIBIT 7 – U.S. PATENT NO. 6,789,110

At present, the ’110 patent is only asserted against the Guest-Tek defendants. The *HP* case is presently stayed as to the Guest-Tek defendants in view of the likelihood that Nomadix and the Guest-Tek parties will dismiss the claims they have asserted against one another by February 28, 2011. *See HP* case: Docket Nos. 225, 231.

EXHIBIT 8 – U.S. PATENT NO. 7,689,716

AGREED-UPON CONSTRUCTIONS

Claim	Term	Agreed-Upon Construction
1, 47, 48, 52	network-location-specific information	information specific to the network location of the user host device, such as advertising fields, billing and service plans, and locale restaurant ads See also construction dispute regarding "network location of the user host device."

DISPUTED CONSTRUCTIONS

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
1. A network gateway having an IP address and a hardware address, configured to process packets communicated from a browser operating on a user host device, the user host device having configuration information specifying at least a MAC address of the user host device, the network gateway comprising:			

EXHIBIT 8 – U.S. PATENT NO. 7,689,716

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
a database configured to be populated with configuration information;			
a redirection-determination module in communication with the database, the redirection-determination module responsive to packets communicated from the browser to determine whether to redirect the browser to a web-server configured to present a login portal, wherein the redirection determination is based on the MAC address of the user host device and configuration information in the database;			

EXHIBIT 8 – U.S. PATENT NO. 7,689,716

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
a user-device-location-detection module that determines a **network location of the user host device**, the user-device-location-detection module configured to communicate information to the web-server about the network location, so that the web-server can provide network-location-specific information on the login portal; and	network location of the user host device	No construction is necessary. However, if the Court is inclined to construe the term, Nomadix proposes: a location at which the user host device is connected to the network[1]	connection port through which the user host device configured with a permanent IP address of the home network accesses the network[2]

EXHIBIT 8 – U.S. PATENT NO. 7,689,716

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
a network-packet-translation module configured to modify at least one user network packet transmitted from the user host device to an **external network location**, the at least one user network packet being modified so that the source IP address corresponds to the network gateway, the network packet translation module further configured to modify at least one external network packet transmitted from the external network location to the network gateway, the external network packet being modified so that the destination IP address corresponds to the user host device.	external network location	No construction is necessary. However, if the Court is inclined to construe the term, Nomadix proposes: a network location external to the network location of the user host device[3]	location for a network to which the user device is not normally connected and which corresponds to a local internet or IP address that is not the home internet [or IP] address[4]

EXHIBIT 8 – U.S. PATENT NO. 7,689,716

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
55. The network gateway of claim 1, wherein modifying at least one user network packet transmitted from the user host device to an **external network location** comprises generating an outgoing packet based on the network packet transmitted from the user host device, the outgoing packet including at least one or more attributes that are different than the network packet transmitted from the user host device.	external network location See Claim 1, above		

[1] **Evidence Supporting Nomadix's Proposed Construction for "network location of the user host device"**

U.S. Pat. 7,689,716

2:58-3:20, 3:52-6:67, 7:47-8:56, 9:9-9:16, 9:37-10:57, 12:44-12:63, 13:12-13:51, 14:1-15:31, 15:62-16:22, 16:37-17:2, 18:1-20:33, 21:44-49, 22:14-22:24, 23:22-23:58, 24:23-24:51, 27:44-28:41, 29:51-31:24, 32:3-35:53.

U.S. Pat. 7,194,554

2:56-3:44, 3:64-5:26, 6:52-8:47, 9:8-9:26, 10:9-11:19, 12:19-13:14, 14:5-19

U.S. Pat. 6,636,894

EXHIBIT 8 – U.S. PATENT NO. 7,689,716

1:33-2:44, 3:27-3:39, 7:66-10:4, 10:20-10:39, 10:62-13:44

U.S. App. 60/111,497

Attachment H — 3:11-3:21; 4:6-4:13; 5:4-5:18; 11:9-11:17; 11:27-12:1; 13:2-13:29; 23:27-23:37; 28:3-28:11; 28:21-28:31;

U.S. App. 09/458,602

2:1-2:24, 3:25-5:26, 6:8-6:14, 7:10-7:14, 7:22-7:30, 9:30-12:20, 13:1-13:31, 14:1-14:21, 16:19-16:28, 18:11-18:27, 20:3-20:11

U.S. App. 60/161,182

6:13-7:2;

“PMS/Credit Card/Radius Design Spec." p. 6

“USG 1000 User Manual” pp. 10, 12-14, 59, 70, 72-76, 97, 101-102, 105-107, 110, 136,

Fig. 2

U.S. App. 60/160,890

5:27-6:16;

U.S. App. 60/161,139

14:22-15:9;

U.S. App. 60/161,189

EXHIBIT 8 – U.S. PATENT NO. 7,689,716

3:9-3:23;

U.S. App. 60/160,973

5:1-5:3; 9:12-9:24;

U.S. App. 60/161,181

7:24-9:2; 8:13;

U.S. App. 60/161,093

2:1-2:7; 3:1-3:33; 4:5-4:31; 6:10-6:30; 9:10-10:24; 11:1-14:14; 14:19-15:10; 15:19-16:12; 18:5-18:31;

Fig. 2, 3, 4, 5, 6, 7, 8

NMDX0031127-80; NMDX0031210-25; NMDX0031230-41; NMDX0032418-41; NMDX0032522-704

[2] **Evidence Supporting Defendants' Proposed Construction for "network location of the user host device"**

'716 patent: 10:22–25; 14:1–7; 19:67–20:7; 30:41–45; Figs. 1, 11a, and 11b

[3] **Evidence Supporting Nomadix's Proposed Construction for "external network location"**

U.S. Pat. 7,689,716

Fig. 11a, 11b, 9:9-9:28, 10:33-11:31, 18:40-18:60, 21:12-23:30, 25:59-29:14, 30:4-30:14, 31:25-31:44

U.S. Pat. 7,194,554

EXHIBIT 8 – U.S. PATENT NO. 7,689,716

3:45-3:64, 4:25-4:47, 4:63-5:12, 5:38-5:55, 6:4-6:26, 8:33-9:7, 10:9-10:37, 10:52-11:5, 12:60-13:43,

U.S. Pat. 6,636,894

7:25-7:53, 9:5-9:25

U.S. App. 60/111,497

p. 5 ¶ 2; p. 5 ¶ 2; p. 5 ¶ 6;

Attachment A — p. 10, ¶ 1; p. 10 ¶ 4; p. 11 ¶ 4; p. 13 ¶ 3;

Attachment H — 2:28-3:3; 3:17-3:21; 4:33-5:11; 5:29-6:9; 9:6-13; 11:1-11:17; 12:2-12:7; 12:18-12:28; 16:25-16:35; 19:1-19:6; 22:2-22:16; 23:6-23:20; 24:1-24:15; 28:12-28:20; p. 2 ¶ 4;

U.S. App. 09/458,602

U.S. App. 60/161,182

8:26-9:13;

"USG 1000 User Manual" pp. 7-8, 12-13, 130-131,

U.S. App. 60/160,890

U.S. App. 60/161,139

9:12-9:29;

U.S. App. 60/161,189

9:12-9:29

U.S. App. 60/160,973

4:26-5:3; 8:12-8:28; 12:21-13:2;

Fig. 2

U.S. App. 60/161,181

10:10-10:29;

U.S. App. 60/161,093

8:23-9:9;

NMDX0031127-80; NMDX0031210-25; NMDX0031230-41; NMDX0032418-41; NMDX0032522-704

[4] **Evidence Supporting Defendants' Proposed Construction for "external network location"**

'716 patent: Figs. 12A-D; Fig. 13; Abstract. *See also* '892 patent 4:3-25; 5:9-14; 11:3-21; 12:58-13:3; 2:20-27; 6:15-20; '892 prosecution history, Applicants' Arguments at 11-12 (February 29, 2000);'892 prosecution history, Applicants' Arguments at 12 (February 29, 2000).

EXHIBIT 9 – U.S. PATENT NO. 6,857,009

AGREED-UPON CONSTRUCTIONS

Claim	Term	Agreed-Upon Construction
1, 23	intercepting packets	The parties agree with the Court's prior construction of "intercepting" and have included the intercepted object: receiving and processing packets targeted for another device
1	intercept packets	The parties agree on a construction corresponding to the Court's prior construction of "intercepting" and have included the intercepted object: receive and process packets targeted for another device
1, 23	selectively modifying intercepted packets	The parties agree with the Court's prior construction: choosing whether to modify intercepted packets and accordingly modifying intercepted packets
1, 23	selectively providing network services	The parties agree with the Court's prior construction: choosing whether to provide network services and accordingly providing network services
23	selectively provides a proxy service	The parties agree with the Court's prior construction: chooses whether to provide a proxy service and accordingly provides a proxy service

EXHIBIT 9 – U.S. PATENT NO. 6,857,009

DISPUTED CONSTRUCTIONS

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
1. A method for providing connectivity to a **foreign network** for a device having network settings configured for communication over a **home network** without reconfiguring the network settings of the device, the method comprising:	home network	network to which the user device is configured to be connected[1]	network to which the user device is configured to be connected and which corresponds to the home internet [or IP] address[2]
	foreign network	a network other than the home network[3]	network to which the user device is not normally connected and which corresponds to a local internet [or IP] address that is not the home internet [or IP] address[4]
intercepting packets transmitted by the device;			

EXHIBIT 9 – U.S. PATENT NO. 6,857,009

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
selectively modifying intercepted packets which are incompatible with network settings configured for communication over the **foreign network** to be compatible with the network settings configured for communication over the **foreign network**, wherein the network settings configured for communication over the home and **foreign network**s include respective IP addresses, gateway addresses, subnet masks, DNS addresses, and protocol proxies; and	foreign network See above		

EXHIBIT 9 – U.S. PATENT NO. 6,857,009

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
selectively providing network services for the device corresponding to network services available on the home network to reduce delay associated with accessing the network services from the **foreign network**, or to provide network services otherwise inaccessible from the foreign networks wherein selectively providing network services comprises providing a proxy service which includes resolving a domain name to an address;	foreign network See above		
wherein resolving a domain name to an address includes;			
establishing a connection between the device and a configuration adapter in order for the configuration adapter to intercept packets transmitted by the device;			
examining contents of the intercepted packets to identify a domain name;			
resolving the domain name to an address;			

EXHIBIT 9 – U.S. PATENT NO. 6,857,009

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
establishing a connection between the configuration adapter and a computer at the address corresponding to the domain name; and			
splicing the connections between the device and the configuration adapter, and between the configuration adapter and the computer, to form a **single connection between the device and the computer** such that the device and the computer communicate packets with each other over the single connection without the network settings of the device being reconfigured.	single connection between the device and the computer	No construction is necessary[5]	connection between the device and the computer that does not copy data between two sessions or use application buffering[6]
23. A configuration adapter for providing connectivity to a **foreign network** for a device having network settings configured for communication over a **home network** without reconfiguring the network settings of the device, the configuration adapter comprising:	home network See Claim 1, above		
	foreign network See Claim 1, above		

EXHIBIT 9 – U.S. PATENT NO. 6,857,009

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
at least one network interface for connecting to the **foreign network**; and	foreign network See Claim 1, above		
a processor in communication with the network interface, the processor intercepting packets transmitted by the device, selectively modifying intercepted packets which are incompatible with network settings configured for communication over the **foreign network** to be compatible with the network settings of configured for communication over the **foreign network**, and selectively providing network services for the device corresponding to network services available on the **home network** to reduce delay associated with accessing the network services from the **foreign network**, or to provide network services otherwise inaccessible from the **foreign network**;	foreign network See Claim 1, above		
	home network See Claim 1, above		

EXHIBIT 9 – U.S. PATENT NO. 6,857,009

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
wherein the network settings configured for communication over the home and foreign networks include respective IP addresses, gateway addresses, subnet masks, DNS addresses, and protocol proxies;			
wherein the processor selectively provides a proxy service for the device which includes resolving a domain name to an address;			

EXHIBIT 9 – U.S. PATENT NO. 6,857,009

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
wherein the processor resolves a domain name to an address by establishing a connection between the device and the configuration adapter, examining contents of the intercepted packets to identify a domain name, resolving the domain name to an address, establishing a connection between the configuration adapter and a computer at the address corresponding to the domain name, and splicing the connections between the device and the configuration adapter, and between the configuration adapter and the computer, to form a **single connection between the device and the computer** such that the device and the computer communicate packets with each other over the single connection without the network settings of the device being reconfigured.	single connection between the device and the computer See Claim 1, above		

EXHIBIT 9 – U.S. PATENT NO. 6,857,009

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[1] **Evidence Supporting Nomadix's Proposed Construction for "home network"**

'009 patent: Claims 1, 12, 23; Abstract; Figs. 1, 2; Col. 4:36-42; Col. 6:14-33; 21:21-34

U.S. Patent Application No. 60/161,138 ("'138 application"): p. 1:8-18; p. 8:24-35; p. 12:20-26; p. 28:4-16; p. 28:31-35; p. 29:30-34;

Amendment, including Remarks, filed on July 8, 2004 during prosecution of the '009 Patent.NMDX0000499; NMDX0000501-503; NMDX0000543-564; NMDX0000599-619; NMDX0000632-645; NMDX0005198-5205; NMDX0005729-5743; NMDX0005754-5758; NMDX0005762-5763; NMDX0034726

U.S. Patent No. 6,858,613

[2] **Evidence Supporting SolutionInc's Proposed Construction for "home network"**

'009 Patent: Abstract; Figs. 1, 2, and 20; 1:19-33; 6:14-33; 8:41-9:16; 20:7-24; 21:21-35.

[3] **Evidence Supporting Nomadix's Proposed Construction for "foreign network"**

'009 patent: Claims 1, 6, 12, 15, 17, 20-23, 26, 28, 31, 33, 34; Abstract; Figs. 1, 2; Col. 4:36-42; Col. 2:12-35; Col. 3:8-22; Col. 3:52-67; Col. 4:17-29; Col. 6:14-33; Col. 7:21-53; Col. 9:5-10:16; Col. 12:14-27; Col. 13:26-55; Col. 18:39-46; Col. 19:9-30; Col. 20:25-37; Col. 21:21-34.

'138 application: p. 1:13-18; p. 2:28-33; p. 4:10-14; p. 5:3-5; p. 5:28-31; p. 8:24-30; p. 10:13-19; p. 10:28-30; p. 12:31-13:2; p. 13:11-12; p. 13:22-26; p. 14:1-13; p. 19:8-18; p. 26:7-9; p. 26:31-34; p. 27:4-6; p. 28:17-28; p. 29:30-33.

Amendment, including Remarks, filed on July 8, 2004 during prosecution of the '009 Patent.

U.S. Patent No. 6,858,613

EXHIBIT 9 – U.S. PATENT NO. 6,857,009

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[4] **Evidence Supporting SolutionInc's Proposed Construction for "foreign network"**

'009 Patent: Abstract; Figs. 1, 2, and 20; 1:19-33; 3:8-23; 3:52-67; 4:17-28; 6:14-33; 7:20-37; 9:5-16; 9:34-50; 9:61-10:8; 12:14-27; 13:35-38; 20:25-53; 21:21-35.

[5] **Evidence Supporting Nomadix's Proposed Construction for "single connection between the device and the computer"**

'009 Patent: Claims 1, 12 and 23; Col. 2:59-63; Col. 3:37 – 60; Col. 15:48 – Col. 16:15; Col. 18:8-15; Col. 18:65 – Col. 19:8; Col. 21:4-20; Figs. 13, 16, 17, 15c, 20 and 21;

'138 Application: p.4:3 – p.5:2; p. 21:28 – p. 22:27; p. 29:5-29;

Amendment, including Remarks, filed on July 8, 2004 during prosecution of the '009 Patent.

[6] **Evidence Supporting SolutionInc's Proposed Construction for "single connection between the device and the computer"**

'009 Patent: claims 1, 5, 12, 16, 23, 27, 29, 34-35; Figs. 13, 15-17, 21; 2:59-63; 3:37-51; 15:41-65; 18:8-20; 18:65-19:8; 21:3-20.

'009 File History: May 6, 2004 Office Action at pp. 5-10; July 6, 2004 Amendments to the Claims; July 6, 2004 Remarks, pp. 15-20; October 12, 2004 Reasons for Allowance;

'138 Application: p. 32; 39; 272; 281;

U.S. Patent No. 5,941,988; IBM Research Report, TCP Splicing for Application Layer Proxy Performance.

EXHIBIT 10 – U.S. PATENT NO. 6,934,754

AGREED-UPON CONSTRUCTIONS

Claim	Term	Agreed-Upon Construction
1–3, 8, 25	network address	local IP address
1, 25	associated therewith	assigned to it

EXHIBIT 10 – U.S. PATENT NO. 6,934,754

DISPUTED CONSTRUCTIONS

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
1. A method for providing Internet access to a first computer via a first one of a plurality of **network access node**s in a network using a plurality of globally unique IP addresses, the **network access node**s each having a network address associated therewith which is unique on the network, the first **network access node** having a first network address associated therewith, the method comprising:	network access node	a device that provides network access to a computer communicating directly with the device[1]	No construction necessary. However, if the term requires any definition, it should be "a device, such as a local or remote server or headend, which provides [a computer within] a local or wide area network with access [to the Internet]"[2]
associating the first network address with the first computer while the first computer is connected to the first **network access node** thereby providing access to the network;	network access node See "network access node" above		

EXHIBIT 10 – U.S. PATENT NO. 6,934,754

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
associating a first one of the globally unique IP addresses with the first network address for conducting an Internet transaction;	an Internet transaction	a requested transfer of an object on the Internet, such as a web page[3]	No construction necessary. However, if the term requires any definition, it should be "a transaction over the Internet conducted by the first computer while connected to the first access node"[4]
	associating a first one of the globally unique IP addresses with the first network address for conducting an Internet transaction	in order to conduct an Internet transaction, assigning to the first local IP address a first globally unique IP address from a pool of available addresses and removing it from the pool[5]	assigning a first one of the globally unique IP addresses from the pool of such addresses with the first local IP address in order to conduct an Internet transaction[6]
monitoring transmissions associated with the Internet transaction to determine address information;			
processing the transmissions in response to the address information; and			
disassociating the first globally unique IP address from the first network address [upon termination of the Internet transaction], the first globally unique IP address then being available for association with any of the network addresses.	disassociating the first globally unique IP address from the first network address [upon termination of the Internet transaction]	returning the first globally unique IP address to the pool of available addresses so that it is no longer assigned to the first local IP address[7]	No construction necessary. However, if the term requires any construction, it should be "Upon termination of the Internet transaction, reassigning the first one of the globally unique IP addresses to the pool of such addresses for use by any network address"[8]

EXHIBIT 10 – U.S. PATENT NO. 6,934,754

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
8. The method of claim 1 wherein associating the first network address with the first computer is done by the first **network access node**.	network access node See "network access node" above		
11. The method of claim 1 wherein monitoring and processing the transmissions is done by the first **network access node**.	network access node See "network access node" above		
25. A method for providing Internet access to a first computer via a first one of a plurality of **network access node**s in a plurality of networks using a plurality of globally unique IP addresses, the **network access node**s each having a network address associated therewith which is unique among the plurality of networks, the first **network access node** having a first network address associated therewith, the method comprising:	network access node See Claim 1, above		

EXHIBIT 10 – U.S. PATENT NO. 6,934,754

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
interconnecting the plurality of networks with a remote server thereby forming a wide area network, the globally unique IP addresses being associated with the remote server;			
associating the first network address with the first computer while the first computer is connected to the first **network access node**;	network access node See Claim 1, above		
associating a first one of the globally unique IP addresses with the first network address for conducting an Internet transaction;	an Internet transaction See Claim 1, above		
	associating a first one of the globally unique IP addresses with the first network address for conducting an Internet transaction See Claim 1, above		
monitoring transmissions associated with the Internet transaction to determine address information;			
processing the transmissions in response to the address information; and			

EXHIBIT 10 – U.S. PATENT NO. 6,934,754

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
disassociating the first globally unique IP address from the first network address upon termination of the Internet transaction, the first globally unique IP address then being available for association with any of the network addresses.	disassociating the first globally unique IP address from the first network address [upon termination of the Internet transaction] See Claim 1, above		

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[1] **Evidence Supporting Nomadix's Proposed Construction for "network access node"**

'754 Patent

Abstract; Col. 2:61–Col. 3:10; Col. 3:63–Col. 4:8; Col. 4:40–50; Col. 5:25–59; Col. 5:60–Col. 6:8; Col. 6:61–Col. 7:26; Col. 7:53–65; Col. 11:55–65; Col. 12:29–34; Col. 12:48–Col. 13:15; Col. 13:26–39; Fig. 1; Claims 1, 8, 11, 25

File History of U.S. Patent No. 6,738,382

Paper No. 13, Response to December 16, 2002 Final Office Action, pp. 3-5

Paper No. 19/E, Response to July 8, 2003 Final Office Action, pp. 8-10

IBH_NOM0003000 – IBH_NOM0003006

IBH_NOM0002847 – IBH_NOM0002849

App 12/257208

Claim 1; Claim 2; Claim 3; Claim 4; Claim 5; Claim 6; Claim 7; Claim 8; Claim 9; Claim 10; Claim 11; p.16:2-23, p. 19:6-11; p. 24:10-p.26:6

App 11/190036

Claim 1; Claim 6; Claim 9; p. 13:9-p.14:3; p. 21:17-p.22:21; p.24:7-p.25:20

PCT/US01/10780

Claim 1; Claim 8; claim 11; Claim 25; Claim 30; Claim 33; Claims 47-69; p. 9:1-p.9:9; p. 10:23 – p. 12:10; p. 12: 24-p. 15:21; p. 18:17-p.19:1; p.22:4-p. 24:10; p. 24:19-p.26:10

American Heritage Dictionary (1996): node: …5. Computer Science. A terminal in a computer network.

Institute for Telecommunication Sciences (National Telecommunication & Information Administration, U.S. Department of Commerce) at http://www.its.bldrdoc.gov/fs-1037/dir-001/_0117.htm: definition for "access node"

[2] **Evidence Supporting iBAHN's Proposed Construction for "network access node"**

'754 patent: FIGs. 1, 5-6; Abstract; 3:11-16; 3:24-34; 3:63-4:5; 5:21-25; 5:30-34; 5:52-54; 5:65-6:4; 6:29-34; 8:12-20; 9:30-39; 12:9-10; 12:41-46; 13:26-32.

[3] **Evidence Supporting Nomadix's Proposed Construction for "an Internet transaction"**

'754 Patent

EXHIBIT 10 – U.S. PATENT NO. 6,934,754

Col. 3:11–23; Col. 6:23–42; Col. 12:35–47; Col. 13:45–53; Claims 1, 25; Figs 2, 7

U.S. Publication No. 2002/0174214 A1: pars. 0001-0004, 0012-0015, 0021–0023 and 0032

[4] **Evidence Supporting iBAHN's Proposed Construction for "an Internet transaction"**

'754 patent: 3:5-23; 6:24-42; 12:35-47; Figs. 2, 7

[5] **Evidence Supporting Nomadix's Proposed Construction for "associating a first one of the globally unique IP addresses with the first network address for conducting an Internet transaction"**

'754 patent

Col. 2, line 26-42; col. 3, line 11-39; col.6:23-42; col. 12: 36-47; col. 13:45-53; Figs. 1, 2, 5, 6, 7

File History of U.S. Patent No. 6,738,382

Paper No. 13, Response to December 16, 2002 Final Office Action, pp. 3-5

Paper No. 19/E, Response to July 8, 2003 Final Office Action, pp. 8-10

[6] **Evidence Supporting iBAHN's Proposed Construction for "associating a first one of the globally unique IP addresses with the first network address for conducting an Internet transaction"**

'754 patent: FIGs. 2, 7; Abstract; 2:4-6; 2:26-41; 2:65-3:16; 3:24-37; 3:63-4:5; 6:24-35; 11:5-14; 12:35-47; K. Evegang and P. Francis, The IP Network Address Translator (NAT), Request for Comments "RFC" 1631, Cray Communications, NTT, May 1994

[7] **Evidence Supporting Nomadix's Proposed Construction for "disassociating the first globally unique IP address from the first network address"**

EXHIBIT 10 – U.S. PATENT NO. 6,934,754

'754 patent, col. 2:26-42; col. 3:11-39; col. 6:23-42; col. 10:56-col. 11:1-15; col. 12:36-47; col. 13:45-53; Figs. 1, 2, 5, 6, 7

File History of U.S. Patent No. 6,738,382: Paper No. 13, Resp. to Dec. 16, 2002 Final Office Action, pp. 3-5; Paper No. 19/E, Resp. to July 8, 2003 Final Office Action, pp. 8-10

U.S. Patent No. 6,510,154 col. 1:59-col. 2:9

W. Richard Stevens, TCP/IP Illustrated, Vol. 1, pp. 8, 42–45 (Addison-Wesley 1994)

[8] **Evidence Supporting iBAHN's Proposed Construction for "disassociating the first globally unique IP address from the first network address upon termination of the Internet Transaction"**

'754 patent: FIGs. 2, 7; Abstract; 2:4-6; 2:26-41; 2:65-3:16; 3:24-37; 3:63-4:5; 6:24-35; 11:5-14; 12:35-47; K. Evegang and P. Francis, The IP Network Address Translator (NAT), Request for Comments "RFC" 1631, Cray Communications, NTT, May 1994

EXHIBIT 11 – U.S. PATENT NO. 6,996,073

AGREED-UPON CONSTRUCTIONS

Claim	Term	Agreed-Upon Construction
1, 2, 10–15	network address	local IP address
1, 10	associated therewith	assigned to it

DISPUTED CONSTRUCTIONS

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
1. A method for providing **conference** services over a **network having a plurality of users associated therewith**, selected ones of the plurality of users being associated with **network access node**s on the network, each **network access node** having a network address	conference	an assembly of persons at a common geographic location[1]	No construction necessary. However, if the term requires any definition, it should be "a group of selected users"[2]
	network having a plurality of users associated therewith	network having a plurality of users who have been granted access to the network [3]	No construction necessary. However, if the term requires any construction, it should be "network with multiple users associated with the network"[4]

EXHIBIT 11 – U.S. PATENT NO. 6,996,073

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
associated therewith which is unique on the network, the method comprising:	network access node	a device that provides network access to a computer communicating directly with the device[5]	No construction necessary. However, if the term requires any definition, it should be "a device, such as a local or remote server or headend, which provides [a computer within] a local or wide area network with access [to the Internet]"[6]
associating a group identification tag with the network addresses thereby identifying the selected users as attendees of the **conference**;	conference See "conference" above		
providing the **conference** services on the network; and	conference See "conference" above		
restricting access to the **conference** services to the selected users using the group identification tag.	conference See "conference" above		

EXHIBIT 11 – U.S. PATENT NO. 6,996,073

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
2. The method of claim 1 wherein restricting access to the **conference** services comprises verifying that a particular network address from which a request has been received has the group identification tag associated therewith before providing access to the **conference** services.	conference See Claim 1, above		
3. The method of claim 1 wherein providing the **conference** services on the network comprises providing access to **conference** data content to the selected users via the network.	conference See Claim 1, above		
4. The method of claim 3 wherein the **conference** data content comprises PowerPoint® presentation data.	conference See Claim 1, above		
5. The method of claim 3 wherein the **conference** data content comprises electronic copies of written materials.	conference See Claim 1, above		

EXHIBIT 11 – U.S. PATENT NO. 6,996,073

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
6. The method of claim 1 wherein providing the **conference** services on the network comprises providing discounted access to entertainment content	conference See Claim 1, above		
7. The method of claim 1 wherein providing the **conference** services on the network comprises providing discounted access to information services.	conference See Claim 1, above		
8. The method of claim 1 wherein providing the **conference** services on the network comprises providing substantially real time voice communication.	conference See Claim 1, above		

EXHIBIT 11 – U.S. PATENT NO. 6,996,073

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
9. The method of claim 1 wherein providing the **conference** services on the network comprises providing video teleconferencing services.	conference See Claim 1, above		
10. A method for providing **conference** services over a network having a plurality of **network access node**s each having a network address associated therewith which is unique on the network, comprising:	network access node See Claim 1, above		
	conference See Claim 1, above		
associating the network addresses with computers associated with a plurality of users while the computers are connected to the **network access node**s thereby providing access to the network for each of the plurality of users;	network access node See Claim 1, above		

EXHIBIT 11 – U.S. PATENT NO. 6,996,073

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
associating a group identification tag with the network address associated with selected ones of the plurality of users thereby identifying the selected users as attendees of a **conference**;	conference See Claim 1, above		
providing the **conference** services on the network; and	conference See Claim 1, above		
restricting access to the **conference** services to the selected users using the group identification tag.	conference See Claim 1, above		
15. The method of claim 10 wherein associating the network addresses is done by the **network access node**s.	network access node See Claim 1, above		

[1] **Evidence Supporting Nomadix's Proposed Construction for "conference"**

'073 Patent

Col. 1:31–44; Col. 5:1–9; Col. 14:23–67; Col. 15:13–22; Claims 1-10

EXHIBIT 11 – U.S. PATENT NO. 6,996,073

Webster's Third New International Dictionary at 475 (2002): definition for "conference"

[2] **Evidence Supporting iBAHN's Proposed Construction for "conference"**

'073 patent: FIG. 11; 1:15-17; 5:1-4; 14:23-29; 15:23-26; 15:40-45; Definition of "conference," *The Concise American Heritage Dictionary*, at 147 (Rev. ed. 1987) ("A meeting to discuss something"); Definition of "conference," Random House Webster's *Computer & Internet Dictionary*, at 114 (3d ed. 1998) (Same as *forum*, an area in a bulletin board or online service in which participants can meet and discuss a topic of common interest")

[3] **Evidence Supporting Nomadix's Proposed Construction for "network having a plurality of users associated therewith"**

'073 patent, col. 5:1–9; col. 14:23-col. 15:34

'376 patent, col. 4:64-col. 5:5; col. 14:4-col. 15:15

[4] **Evidence Supporting iBAHN's Proposed Construction for "network having a plurality of users associated therewith"**

'073 patent, 2:43-58; 3:10-28; 3:36-50; 5:1-9; 5:49-67; 6:44-55; 6:63-7:44; 11:63-12:21; 13:15-37; 15:1-12; Claim 1

'376 patent, 2:43-57; 3:8-26; 3:34-47; 4:64-5:5; 5:46-63;6:39-50; ; 6:57-7:38; 11:49-12:7; 12:66-13:20; 14:49-60; Claim 1

[5] **Evidence Supporting Nomadix's Proposed Construction for "network access node"**

'073 Patent

Abstract; Col. 3:61–Col. 4:18; Col. 4:37–67; Col. 5:1–9; Col. 5:49-55; Col. 6:25–62; Col. 6:63–Col. 7:1; Col. 7:65-Col. 8: 27; Col. 15:1–31; Fig. 1; Claims 1, 10, 15

File History of U.S. Patent No. 6,738,382

EXHIBIT 11 – U.S. PATENT NO. 6,996,073

Paper No. 13, Response to December 16, 2002 Final Office Action, pp. 3-5

Paper No. 19/E, Response to July 8, 2003 Final Office Action, pp. 8-10

IBH_NOM0003000 – IBH_NOM0003006

IBH_NOM0002847 – IBH_NOM0002849

App 12/257208

Claim 1; Claim 2; Claim 3; Claim 4; Claim 5; Claim 6; Claim 7; Claim 8; Claim 9; Claim 10; Claim 11; p.16:2-23, p. 19:6-11; p. 24:10-p.26:6

App 11/190036

Claim 1; Claim 6; Claim 9; p. 13:9-p.14:3; p. 21:17-p.22:21; p.24:7-p.25:20

PCT/US01/10780

Claim 1; Claim 8; claim 11; Claim 25; Claim 30; Claim 33; Claims 47-69; p. 9:1-p.9:9; p. 10:23 – p. 12:10; p. 12: 24-p. 15:21; p. 18:17-p.19:1; p.22:4-p. 24:10; p. 24:19-p.26:10

American Heritage Dictionary (1996): node: …5. Computer Science. A terminal in a computer network.

Institute for Telecommunication Sciences (National Telecommunication & Information Administration, U.S. Department of Commerce) at http://www.its.bldrdoc.gov/fs-1037/dir-001/_0117.htm: definition for “access node”

[6] **Evidence Supporting iBAHN's Proposed Construction for “network access node”**

EXHIBIT 11 – U.S. PATENT NO. 6,996,073

’073 patent: FIGs. 1, 5-6, 11; Abstract; 3:23-28; 3:36-46; 3:61- 4:14; 4:27-67; 6:25-29; 6:34-38; 6:55-57; 7:1-7; 7:32-37; 9:21-28; 10:38-47; 12:11-13; 13:62-66; 15:9-12.

EXHIBIT 12 – U.S. PATENT NO. 7,580,376

AGREED-UPON CONSTRUCTIONS

Claim	Term	Agreed-Upon Construction
1, 9–15	network address	local IP address
9, 15	associated therewith	assigned to them

DISPUTED CONSTRUCTIONS

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
1. A method for restricting access to content in a **network having a plurality of users associated therewith**, comprising:	network having a plurality of users associated therewith	network having a plurality of users who have been granted access to the network [1]	No construction necessary. However, if the term requires any construction, it should be "network with multiple users associated with the network"[2]
associating a group identification tag with selected ones of the plurality of users thereby identifying the selected users as members of a specific group;			
providing the content on the network; and			

EXHIBIT 12 – U.S. PATENT NO. 7,580,376

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
restricting access to the content to the selected users using the group identification tag by verifying that a particular network address from which a request has been received has the group identification tag associated therewith before providing access to the content.			
2. The method of claim 1 wherein the specific group comprises attendees of a **conference**.	conference	an assembly of persons at a common geographic location[3]	No construction necessary. However, if the term requires any definition, it should be "a group of selected users"[4]
4. The method of claim 1 wherein the content relates to one or more of electronic copies of **conference** materials, entertainment content, online services, or web site content.	conference See Claim 2, above		

EXHIBIT 12 – U.S. PATENT NO. 7,580,376

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
9. A method for restricting access to content in a network having a plurality of **network access nodes** having network addresses associated therewith each of which is unique on the network, comprising:	network access node	a device that provides network access to a computer communicating directly with the device[5]	No construction necessary. However, if the term requires any definition, it should be "a device, such as a local or remote server or headend, which provides [a computer within] a local or wide area network with access [to the Internet]"[6]
associating the network addresses with computers associated with a plurality of users while the computers are connected to the **network access node**s thereby providing access to the network for each of the plurality of users;	network access node See "network access node" above		
associating a group identification tag with the network address associated with selected ones of the plurality of users thereby identifying the selected users as members of a specific group;			
providing the content on the network; and			

EXHIBIT 12 – U.S. PATENT NO. 7,580,376

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
restricting access to the content to the selected users using the group identification tag.			
14. The method of claim 9 wherein associating the network addresses is done by the **network access node**s.	network access node See Claim 9, above		
15. A network configured to restrict access to content in the network, the network comprising:			
a plurality of **network access node**s having network addresses associated therewith each of which is unique on the network; and	network access node See Claim 9, above		
at least one computing device programmed to:			
associate the network addresses with computers associated with a plurality of users while the computers are connected to the **network access node**s thereby providing access to the network for each of the plurality of users;	network access node See Claim 9, above		

EXHIBIT 12 – U.S. PATENT NO. 7,580,376

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
associate a group identification tag with the network address associated with selected ones of the plurality of users thereby identifying the selected users as members of a specific group;			
provide the content on the network; and			
restrict access to the content to the selected users using the group identification tag.			

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[1] **Evidence Supporting Nomadix's Proposed Construction for "network having a plurality of users associated therewith"**

'073 patent, col. 5:1–9; col. 14:23-col. 15:34

'376 patent, col. 4:64-col. 5:5; col. 14:4-col. 15:15

[2] **Evidence Supporting iBAHN's Proposed Construction for "network having a plurality of users associated therewith"**

'073 patent, 2:43-58; 3:10-28; 3:36-50; 5:1-9; 5:49-67; 6:44-55; 6:63-7:44; 11:63-12:21; 13:15-37; 15:1-12; Claim 1

'376 patent, 2:43-57; 3:8-26; 3:34-47; 4:64-5:5; 5:46-63;6:39-50; ; 6:57-7:38; 11:49-12:7; 12:66-13:20; 14:49-60; Claim 1

EXHIBIT 12 – U.S. PATENT NO. 7,580,376

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[3] **Evidence Supporting Nomadix's Proposed Construction for "conference"**

'376 Patent

Col. 1:33–46; Col. 4:64-Col. 5:8; Col. 14:4-Col. 15:3; Claims 2, 4

[4] **Evidence Supporting iBAHN's Proposed Construction for "conference"**

'376 patent: FIG. 11; 1:17-19; 4:64-7:2; 14:4-10; 15:4-7; 15:21-26; Definition of "conference," *The Concise American Heritage Dictionary*, at 147 (Rev. ed. 1987) ("A meeting to discuss something"); Definition of "conference," Random House Webster's *Computer & Internet Dictionary*, at 114 (3d ed. 1998) (Same as *forum*, an area in a bulletin board or online service in which participants can meet and discuss a topic of common interest")

[5] **Evidence Supporting Nomadix's Proposed Construction for "network access node"**

'376 Patent

Abstract; Col. 3:58–67; Col. 4:24–Col. 5:5; Col. 5:46–51; Col. 6:24–50; Col. 6:57–62; Col. 7:59–Col. 8:19; Col. 14:49–Col. 15:15; Fig. 1; Claims 9, 14, 15

File History of U.S. Patent No. 6,738,382

Paper No. 13, Response to December 16, 2002 Final Office Action, pp. 3-5

Paper No. 19/E, Response to July 8, 2003 Final Office Action, pp. 8-10

IBH_NOM0003000 – IBH_NOM0003006

IBH_NOM0002847 – IBH_NOM0002849

EXHIBIT 12 – U.S. PATENT NO. 7,580,376

App 12/257208

Claim 1; Claim 2; Claim 3; Claim 4; Claim 5; Claim 6; Claim 7; Claim 8; Claim 9; Claim 10; Claim 11; p.16:2-23, p. 19:6-11; p. 24:10-p.26:6

App 11/190036

Claim 1; Claim 6; Claim 9; p. 13:9-p.14:3; p. 21:17-p.22:21; p.24:7-p.25:20

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Claim 1; Claim 8; claim 11; Claim 25; Claim 30; Claim 33; Claims 47-69; p. 9:1-p.9:9; p. 10:23 – p. 12:10; p. 12: 24-p. 15:21; p. 18:17-p.19:1; p.22:4-p. 24:10; p. 24:19-p.26:10

American Heritage Dictionary (1996): node: …5. Computer Science. A terminal in a computer network.

Institute for Telecommunication Sciences (National Telecommunication & Information Administration, U.S. Department of Commerce) at http://www.its.bldrdoc.gov/fs-1037/dir-001/_0117.htm: definition for "access node"

[6] **Evidence Supporting iBAHN's Proposed Construction for "network access node"**

'376 patent: FIGs. 1, 5-6, 11; Abstract; 3:21-26; 3:34-44; 3:58- 4:10; 4:24-4:63; 6:20-24; 6:29-32; 6:50-52; 6:62-7:1; 7: 26-31; 9:10-17; 10:26-34; 11:64-66; 13:45-49; 14:57-60